

## Migration, Integration, Asylum: Political Developments in Germany 2015

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Federal Office  
for Migration  
and Refugees



# Migration, Integration, Asylum

Political Developments in Germany 2015

Annual Policy Report by the German National Contact Point  
for the European Migration Network (EMN)



Co-financed by the  
European Union





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Political Developments in Germany 2015

Annual Policy Report by the German National Contact Point  
for the European Migration Network (EMN)

Federal Office for Migration and Refugees 2016



# Summary

The 2015 Policy Report of the German National Contact Point for the European Migration Network (EMN) provides an overview of the most important political discussions as well as political and legislative developments in the areas of migration, integration, and asylum in the Federal Republic of Germany in the year 2015. The report refers specifically to measures taken by the Federal Republic of Germany to implement the Global Approach to Migration and Mobility, the EU Strategy towards the Eradication of Trafficking in Human Beings and the European Agenda for the Integration of Third-Country Nationals. The report also describes the general structure of the political and legal system in Germany.

The jump in asylum migration and how to deal with it was the central migration, integration and asylum issue in 2015. The discussion focused on the following points:

- welcome initiatives and support networks for asylum seekers,
- attacks on and xenophobic voices against asylum seekers and their accommodation, migrants and Muslims,
- border controls, border protection, border closing and caps,
- stricter asylum rules for groups from certain countries of origin and relief for others and
- the integration of asylum seekers into the German society.

The German Bundestag passed a number of amendments over the course of 2015, which include

- the Act on the redefinition of the right to stay and the termination of residence (entry into force: 1 August 2015),
- Act on the Acceleration of Asylum Procedures – Asylum Package I (entry into force: 24 October 2015),
- Act to improve accommodation, care and assistance for foreign children and young persons (entry into force: 1 November 2015),
- Third Victims' Rights Reform Act (entry into force: 31 December 2015).

In addition to the legislation of the Bundestag, the Federal Ministry for Labour and Social Affairs (BMAS) revised the Employment Ordinance (BeschV) in 2015, which forms the basis for allowing immigrants in certain occupations and with certain qualifications to seek employment.



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# 1 Introduction

## Structure and content

The 2015 Policy Report provides an overview of the most important political discussions as well as political and legislative developments in the areas of migration, integration, and asylum in the Federal Republic of Germany in the year 2015. Nevertheless, it does not purport to be exhaustive. The report was written by the German National Contact Point for the European Migration Network (EMN) at the Federal Office for Migration and Refugees (BAMF) in Nuremberg.

Pursuant to Article 9 section 1 Council Decision number 2008/381/EC dated 14 May 2008 establishing the European Migration Network, each National Contact Point shall provide an annual report on the “migration and asylum situation in the Member State”, which shall include policy developments, legal changes, and basic statistical data. This year’s report on migration, integration, and asylum (“policy report” for short) is intended to provide the Community Institutions of the EU, and the authorities and institutions of the Member States with the information they require by “providing up-to-date, objective, reliable, and comparable information on migration and asylum” in order to support policy-making in the European Union (Article 1 section 2 Council Decision number 2008/381/EC). The findings gathered for the EMN are also intended for the public. In addition to publishing the national policy reports for these purposes, the European Commission (which co-ordinates and co-finances the work of the EMN) also publishes its own EMN Informs on specific topics that build on the policy reports of the Member States and provide a comparison of the national results.

This eleventh EMN policy report is based on the reports from previous years, largely following the layout specified by the EMN and also used by the EMN National Contact Points of other EU Member States when writing their national reports.

Chapter 1 provides an overview of the structure of the political system, existing institutions, changes in these structures, and general political developments in 2015. Chapter 2 outlines relevant political and legislative developments, as well as important political debates on migration, integration, and asylum. Chapters 3 to 8 focus

on specific political and legal measures in certain areas of immigration and asylum policy, while chapter 9 takes a look at developments affecting the Global Approach to Migration and Mobility.

## Methodology

The 2015 Policy Report is based on numerous sources of data and information. The information provided is based on information from German Federal Authorities as well as factual information from the relevant organisational units of the BAMF. Information on political debates and the status of legal developments is drawn primarily from publications by the BAMF and the National Contact Point for the European Migration Network, as well as online sources such as official records and committee minutes of the German Bundestag and German Bundesrat, ordinance and law gazettes, and official statements from ministries, authorities, and political parties made to the press or in public programmes. Relevant statements or publications from non-governmental or international organisations, as well as relevant news coverage from national media were also included. All external sources are explicitly cited.

Most figures and statistics were provided by the BAMF, the Federal Statistical Office (StBA), and the Federal Employment Agency (BA). Since the editing of the 2015 EMN Policy Report was scheduled to be finished by March 2016, some data on migration for 2015 were not yet available at the time the report was written.

Events were chosen and weighted based on how relevant the facts and developments could be to the work of policy-makers, both on a national and European level. Specifically, it was necessary to limit the number of issues addressed in the section on “important political and legislative debates on migration, integration, and asylum” (chapter 2.2). In order to narrow down the range of possible topics, only debates receiving extensive coverage by leading media (national dailies, public and private television broadcasters) and addressed by the Federal Government, the German Bundestag, or Parliaments of the federal Länder were considered to be “important political debates” and included in the report.

## Terms and definitions

The terminology used in this report is largely based on the Glossary<sup>1</sup> of the EMN. Terms referring specifically to the legal situation in Germany are regularly explained in the text or in footnotes. Background information from previous EMN policy reports is referenced accordingly.

### 1.1 General structure of the political system and institutions for migration and asylum

In the Federal Republic of Germany, policy is formed and implemented in a political system in which legislative and executive authority is divided between the Federal Government and the 16 federal Länder. The executive branch operates on three principles: the chancellor principle, the collegiate principle, and the departmental principle. Under the chancellor principle, the chancellor sets policy guidelines and manages the affairs of the Federal Government. Under the collegiate (or cabinet) principle, however, issues of general political importance must be decided by a majority of ministers. Finally, the departmental principle gives the ministers responsibility for and the authority to run their departments.

Below is a brief outline of the roles of the top players in asylum, immigration, and integration policy (for an overview, see Fehsenfeld et al. 2008; Schneider 2012a).

The Federal Ministry of the Interior (BMI) has primary responsibility. In addition to drafting legislation, it addresses European harmonisation and supervises the BAMF and the Federal Police (BPOL) as the central operational authorities.

Another important venue for policy-making is the Permanent Conference of Ministers and Senators for the Interior of the federal Länder (IMK), in which the Federal Minister of the Interior participates in an advisory role. The conference usually takes place twice a year, and its unanimous decisions serve as policy recommendations with strong binding effects that are often taken into consideration in the legislation and administrative practice of the federal Länder and the Federal Government.

The Federal Ministry of Labour and Social Affairs (BMAS) works with the Federal Ministry of the Interior on the basics of the employment of foreign nationals and their integration into the labour market according to their profession.

Issues of labour migration and the integration of migrants into the labour market are also addressed by the Conference of Ministers and/or Senators for Labour and Social Affairs (ASMK) which, similar to the Conference of Ministers and Senators for the Interior, helps the federal Länder to work together to coordinate their interests in labour and social policy.

The diplomatic missions abroad supervised by the Foreign Office (AA) are responsible for passport and visa issues.

The Federal Commissioner for Migration, Refugees, and Integration is appointed by the Federal Government. Since 2005, the office of the Commissioner has been a Minister of State under the purview of the Federal Chancellery. The Commissioner's task is "in particular, to support the Federal Government in developing its integration policy" (section 93 no. 1 of the Residence Act), and s/he shall be involved in relevant law-making projects (section 94 subs. 1 of the Residence Act). Other tasks include promoting the integration of migrants living in Germany and counteracting xenophobia.<sup>2</sup>

Similar to the Conference of Ministers and Senators for the Interior, the Ministers and Senators of the German federal Länder responsible for integration regularly meet to discuss and coordinate political projects on integration (IntMK).

The Federal Government Commissioner for Repatriation Issues and National Minorities operates under the BMI and is responsible for coordinating all measures relating to ethnic German repatriates. The Commissioner is the central contact for national minorities. "In addition, he or she serves as contact for ethnic Germans who still live in the countries of origin of the repatriates, co-ordinates assistance measures and co-chairs the existing government committees for issues of German minorities" (BMI 2016a).

The Federal Office for Migration and Refugees is a superior federal authority among the subordinate authorities of the BMI and performs many duties in its role as the competence centre for numerous tasks in the field of migration, integration, and asylum. The Federal Office examines the

1 Glossary of the European Migration Network: [http://www.bamf.de/SharedDocs/Anlagen/DE/Publikationen/EMN/Glossary/emn-glossary.pdf;jsessionid=48880CA573179E-F12A2524C26A6BF6D6.1\\_cid368?\\_\\_blob=publicationFile](http://www.bamf.de/SharedDocs/Anlagen/DE/Publikationen/EMN/Glossary/emn-glossary.pdf;jsessionid=48880CA573179E-F12A2524C26A6BF6D6.1_cid368?__blob=publicationFile) (21 Mar 2016).

2 Cf. sections 92 et seq. of the Residence Act.

constitutional right of refugees against persecution and conducts all asylum procedures in Germany, including the Dublin procedure to determine responsibility in the asylum procedure; it determines both refugee status under the Geneva Convention relating to the Status of Refugees and the requirements for subsidiary protection under the Qualification Directive and for national bans on deportation.<sup>3</sup> If protection is deemed unnecessary, the Federal Office also issues the deportation warning and/or order. In addition to conducting the asylum procedure, the Federal Office coordinates the humanitarian reception programme of the Federal Government and federal Länder, as well as Germany's participation in the UNHCR resettlement programme (see chapter 6.3). The Federal Office is also responsible for developing and implementing the national integration programme, conducting applied/policy-related migration research, promoting voluntary return (see chapter 5.2.1), running the Central Register of Foreigners, recognising research institutes under the EU Researchers Directive, conducting the reception procedure for Jewish immigrants (see chapter 3.4), coordinating the authorities responsible for labour immigration, and taking action against threats to public safety under immigration, asylum, and nationality laws (for a detailed description, see Fehsenfeld et al. 2008; Schneider 2012a).

The some 570 foreigners authorities in the 16 federal Länder are responsible for practically all procedures relating to residence and passports under the Residence Act, for implementing other immigration regulations, including decisions about deportation and its organisation, and for examining any bans on deportation outside the authority of the Federal Office. The foreigners authorities from Germany's major cities meet twice a year to exchange experiences.

The Federal Police (BPOL) is the Federation's police force among the subordinate authorities of the Federal Ministry of the Interior. It protects the borders of the German Federal Territory (border security) in order to prevent and stop unlawful entry and to fight people smuggling. Border security refers to policing the borders, conducting checks on cross-border traffic, including examining travel

documents and authorising entry, conducting investigations along the border, and averting dangers affecting border security in an area up to 30 km inside land and 50 km inside sea borders. The duties of the Federal Police emanate from the Federal Police Act and other statutory provisions, such as those set forth by the Residence Act (section 71 subs. 3 of the Residence Act) or the Asylum Act (section 18 of the Asylum Act). The duties of the Federal Police with regard to the right of residence are the refusal of entry, removals and deportations of foreigners who are not in possession of a visa or valid residence permit, revoking visas in certain cases and carrying out the escort measures ensuing from the Residence Act that go hand in hand with visa revocation (Schneider 2012: 34). The Federal Police is also responsible for coordinating the escorted removal via air of third-country nationals residing illegally in the Federal Territory in close cooperation with other authorities, specifically the foreigners authorities (Schneider 2012b: 34).

Among its many other administrative duties on behalf of the Federal Government, the Federal Office of Administration (BVA) is responsible for the entry and reception procedures for ethnic German repatriates. It also processes the data in the Schengen Information System (SIS)<sup>4</sup> and in the Visa Information System (VIS), as well as on behalf of the Federal Office for Migration and Refugees the records in the Central Register of Foreigners (AZR), consisting of a general database and the Visa File.

## 1.2 General structure of the legal system for migration and asylum

Legislative authority is also divided between the federal level and the federal Länder. In general, the federal Länder have the right to pass laws in all areas not explicitly under federal competence. While some policy areas are subject exclusively to federal law, the majority fall under concurrent legislation with the federal Länder. This means that the 16 federal Länder may only pass legislation where the federal level has not asserted its authority and done so already (Article 70–74 of the Basic Law). In practice, most issues eligible for concurrent legislation have already been regulated by federal law, including migration issues such as nationality, freedom of movement, immigration and

3 Foreign nationals receive subsidiary protection when they would face a tangible risk of death or torture, or other inhumane or degrading treatment in their country of origin, or when an armed conflict would place them in significant danger. Deportation may be ruled out due to the European Convention on Human Rights or if deportation to the country of destination would pose a significant, tangible risk to life, limb, or freedom. This risk can also take the form of a serious illness that is not being treated adequately or at all in the country of destination.

4 The German Federal Criminal Police (BKA) also runs the SIRENE database as an interface between the SIS and national databases, see also [http://www.bka.de/nn\\_194550/EN/SubjectsAZ/ElectronicSystems/electronicSearchAndInformation-Systems\\_\\_node.html?\\_\\_nnn=true](http://www.bka.de/nn_194550/EN/SubjectsAZ/ElectronicSystems/electronicSearchAndInformation-Systems__node.html?__nnn=true) (10 Mar 2015).



emigration, passports, registration, and right of residence and settlement for foreign nationals. Likewise, all overarching legislation on refugees and expellees has been adopted at nationwide level. The only major policy areas in terms of migration that are almost exclusively under the jurisdiction of the federal Länder are education, research, and policing, with the expulsion of foreign nationals required to depart and transfers under the Dublin procedure being organised together with the Federal Police and the Federal Office for Migration and Refugees.<sup>5</sup>

At the level of the federal Länder, authority on asylum and immigration issues is vested in the Ministers and Senators of the Interior. In May 2011, Baden-Württemberg established its Ministry of Integration,<sup>6</sup> which is also responsible for fundamental issues of foreigner, migration and integration policy. Baden-Württemberg, Berlin and North Rhine-Westphalia have passed legislation on integration.<sup>7</sup> Even if there are no other state laws on immigration, asylum, and integration, the federal Länder effectively help to shape in particular the activities, i.e. the administrative implementation, of the foreigners authorities through decrees and administrative regulations. They also shape federal law via the German Bundesrat, which consists of representatives from the 16 federal Länder and has extensive rights of involvement and veto power. When passing laws, the German Bundesrat has a similar role to the upper houses or senates in other parliamentary democracies. While the German Bundesrat debates all bills passed by the German Bundestag, its approval is only required for laws that specifically affect relations between the Federal Government and the federal Länder. In all other instances, bills rejected by the German Bundesrat can still be passed by a qualified majority in the German Bundestag. Since practically all political action in the area of migration and asylum directly

affects the German federal Länder in one way or another and burdens them with administrative tasks, such bills usually have to pass the German Bundesrat.

### Law and ordinances

German immigration law is based on international law, European Community law, and German constitutional and statutory law.

Article 16a paragraph 1 of the Basic Law grants the right to asylum to victims of political persecution. Applications for asylum are examined during the asylum procedure as set forth in the Asylum Act (until October 2015: Asylum Procedure Act).

The provisions of the Asylum Act and the Residence Act grant foreign nationals facing political persecution refugee status in accordance with the Convention relating to the Status of Refugees of 28 July 1951. The German Residence Act also regulates the issuance of residence titles to persons eligible for asylum or subsidiary protection, to persons who are granted refugee status and to persons whose deportation is inadmissible (section 25 subs. 1 and 2 as well as subs. 3 in conjunction with section 60 subs. 5 and 7 of the Residence Act).

The Asylum Seekers' Benefits Act (AsylbLG) forms the legal basis for providing benefits to asylum seekers during the asylum procedure and to other foreign nationals whose residence is not permanent.

The Act to Control and Restrict Immigration and Regulate the Residence and Integration of EU Citizens and Foreign Nationals (Immigration Act),<sup>8</sup> whose main provisions took effect on 1 January 2005, was the beginning of a fundamental shift in immigration law.

The Act on the Residence, Economic Activity and Integration of Foreigners in the Federal Territory (Residence Act) – the key element of the Immigration Act – forms the core legal basis for the entry, residence and economic activity of third-country nationals. It also defines the legal minimum for state efforts to promote integration, specifically through language and orientation courses. The Residence Act has been amended continuously since 2007. However,

<sup>5</sup> Issues concerning residence are also addressed by a number of joint Federal Government and Federal State working groups. Problems with enforcing the return of third-country nationals obligated to leave are the focus of the Return Working Group (AG Rück), a sub-working group of the IMK (see chapter 1.1). The AG Rück is the venue of cooperation between the proper organizational units of the Ministries of the Interior of the Federal Government and the Federal States, although the group also works together with other authorities.

<sup>6</sup> [www.integrationsministerium-bw.de](http://www.integrationsministerium-bw.de) (26 Mar 2016).

<sup>7</sup> On 23 February 2016, the Bavarian cabinet decided to send a bill for a Bavarian integration law to the State Parliament. However, this bill is criticised by the opposition (Kirschner 2016). In Baden-Württemberg, the Act on Participation and Integration entered into force on 5 December 2015. The Act to Regulate Participation and Integration in Berlin was enacted in Berlin on 28 December 2010. The Act to Promote Social Participation and Integration was enacted in North Rhine-Westphalia on 14 February 2012.

<sup>8</sup> Act to Control and Restrict Immigration and Regulate the Residence and Integration of EU Citizens and Foreign Nationals of 30 July 2004 (BGBl. I, 1950); parts of the Immigration Act already entered into force on 6 Aug 2004 and 1 Sep 2004 (cf. Article 15 paragraph 1 and 2 of the Immigration Act).

the Schengen Border Code (Regulation [EC] number 562/2006) governs the initial entry and subsequent short-term stay of third-country nationals in Germany.<sup>9</sup>

The General Administrative Regulation to the Residence Act (AVwVAufenthG) took effect in October 2009 with the primary goal of standardising administrative practices in the application of the Residence Act throughout the Federal Territory and to guarantee minimum standards.<sup>10</sup>

The primary legal basis for the administration of government databases on foreign nationals is the Central Register of Foreign Nationals Act (AZRG).

The acquisition of German citizenship is governed by the Nationality Act (StAG), which includes the conditions under which immigrants can be naturalised, the conditions under which children born in Germany to foreign nationals receive German citizenship, and the extent to which multiple citizenship is possible.

Below the federal level, a series of ordinances have been enacted to specify the legal framework for the residence, employment and integration of foreign nationals, as well as for benefits for asylum seekers and the procedures for handling them.

The Residence Ordinance (AufenthV) clarifies issues relating to entry and residence in the Federal Territory, fees, and procedural rules for issuing residence titles.

The Employment Ordinance (BeschV) governs the procedures for the employment of foreigners whose access to the labour market is not regulated by law.

The Integration Course Ordinance (IntV) details the implementation of integration courses under the Residence Act, including terms of attendance, data transmission, fees, the basic structure of the courses, course duration, and course content. It also governs the admission procedures for public and private course providers.

The Ordinance on Determining Responsibilities in the Area of Asylum (AsylZBV) contains provisions on the competencies and responsibilities of the key operational authorities in the asylum procedure. It also takes into

account important legal acts of the European Union, such as the Dublin Regulation or the EURODAC Regulation.

The Ordinance on Naturalisation Tests (EinbTestV) governs the testing procedure for naturalisation.

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9 Issues concerning the residence and freedom of movement of citizens of other EU Member States are governed in the second part of the Immigration Act, the Act on the General Freedom of Movement for EU Citizens.

10 GMBL no. 42–61 of 30 Oct 2009, p. 877.

## 2 Political, legal and institutional developments

### 2.1 General political developments

In 2015, State Parliament elections were held in Hamburg and Bremen.

#### State Parliament election in Hamburg

Elections to the Hamburg State Parliament took place on 15 February 2015. The Social Democratic Party of Germany (SPD) gained 45.6% of the vote, the Christian Democratic Union of Germany (CDU) 15.9%, Alliance 90/The Greens (Bündnis 90/Die Grünen) 12.3% and The Left (DIE LINKE) 8.5%. The Free Democratic Party (FDP) convinced 7.4% of the electorate, and the Alternative for Germany (AfD) entered the Hamburg State Parliament for the first time with 6.1% of the vote (Statistical Office for Hamburg and Schleswig-Holstein 2015). The SPD lost the absolute majority which it enjoyed during the preceding legislative period and agreed on a coalition with Alliance 90/The Greens. Olaf Scholz (SPD) was re-elected as First Mayor. Andy Grote (SPD) was appointed Senator of the Interior, and Melanie Leonhard (SPD) took responsibility for the Department of Labour, Social Affairs, Family and Integration.

Concerning migration, integration and asylum policy, the governing parties have stated in their coalition agreement that they plan to pursue a general permission of double nationalities, not least in order to give migrants full political rights (SPD/Bündnis 90/Die Grünen 2015a: 79). In addition, the “welcoming culture” in Hamburg is to be improved, for example by “further promoting intercultural openness of Hamburg’s authorities, offices and public-sector companies” (SPD/Bündnis 90/Die Grünen 2015a: 80). Language, alphabetisation and integration courses are to be offered to all migrants, regardless of their residence status (SPD/Bündnis 90/Die Grünen 2015a: 80). Furthermore, a co-ordination centre for consultation and treatment of victims of torture and traumatised refugees is to be created in order to support current efforts (SPD/Bündnis 90/Die Grünen 2015a: 103 et seq.).

#### State Parliament election in Bremen

On 10 May 2015, elections to the State Parliament in Bremen were held. The SPD gained 32.8% of the vote, the CDU 22.4%, Alliance 90/The Greens 15.1%, DIE LINKE 9.5% and the FDP 6.6%. With 5.5% of the vote, the AfD entered the State Parliament at the first try. In addition, the party “Citizens in Rage” (Bürger in Wut, BiW) gained 3.2% of the vote and one seat in the State Parliament (State Electoral Commissioner of Bremen 2015). The SPD and Alliance 90/The Greens agreed to continue their coalition and elected Carsten Sieling (SPD) as mayor. He succeeded Jens Böhrnsen (SPD). Senator of the Interior Ulrich Mäurer (SPD) was re-appointed. Klaus-Dieter Möhle (SPD) chairs the State Commission for Social Affairs, Youth and Integration, Anja Stahman (Alliance 90/The Greens) is the responsible Senator.

Concerning migration, integration and asylum policy, the governing parties have stated in their coalition agreement that refugee integration goes beyond providing shelter and affects the areas of education, healthcare and labour (SPD/Bündnis 90/Die Grünen 2015b: 6). Moreover, the coalition agreement calls “for abolishing the Asylum Seekers’ Benefits Acts at the Federal level and including the provisions for benefits to migrants in the rules for basic welfare benefits” (SPD/Alliance 90/The Greens 2015b: 71). And finally, the State Government plans to work towards “providing basic healthcare for paperless migrants, for persons entering Germany for family reunification purposes, for uninsured EU citizens, and for asylum seekers” (SPD/Bündnis 90/Die Grünen 2015b: 71; see chapter 4.2).

#### New management of the Federal Office for Migration and Refugees

Manfred Schmidt, the Head of the Federal Office for Migration and Refugees, stepped down on 17 September 2015, and on 18 September, Frank-Jürgen Weise, the Chairman of the Executive Board of the Federal Employment Agency (BA), succeeded him, taking on this responsibility in addition to his work for the Federal Employment Agency. The Federal Office has been undergoing thorough reforms since then in order to be able to cope with the

rising number of asylum applications. New operational directorates in the asylum area and new branch offices have been created, and the number of employees has been increased considerably (see chapter 6).

## 2.2 Overview of main political developments and debates on migration and asylum

Asylum migration was the most important issue in the migration policy debate in 2015, as the number of asylum applications rose during the year and official forecasts of the likely number of refugees had to be revised upwards several times. The increase in the number of asylum seekers was a major challenge for the authorities at the Federal, federal Land and local level in terms of registration, accommodation and assistance for the newcomers, and of conducting asylum procedures. The debate became particularly heated during the final quarter of 2015, after the Federal Government had decided to temporarily suspend the Dublin procedure in order to enable those who had reached Hungary in their search for protection to travel on to Germany and thus to prevent a humanitarian crisis. As a result, the number of refugees jumped and created huge challenges for the authorities in the border regions and for the Federal Office for Migration and Refugees. In order to make a quick registration of the new entrants possible, Germany introduced temporary border controls on the Austrian border on 13 September 2015. These developments triggered a continued discussion in the German society about the refugee policy. The discussion focused on the question whether the challenges of the refugee crisis should be dealt with in the framework of the European cooperation with its principle of open borders should be maintained or whether national solutions, including border closings, were the best way.

While a majority of the Federal Government chose the first alternative, the Bavarian government in particular supported the second, as the federal Land was considerably affected by the rising number of new entrants. The Christian Social Union (CSU) and parts of the CDU supported the Bavarian government.

Nevertheless, the coalition parties agreed on several reforms, in particular:

- the Act on the redefinition of the right to stay and the termination of residence, which includes, among other things, new provisions concerning expulsion and introduces a right to stay for persons whose deportation has been suspended which does not hinge on the age or on

certain reference dates anymore; this takes into account successful integration efforts in particular,

- the Act on the Acceleration of Asylum Procedures, which, among other things, declares Albania, Kosovo and Montenegro safe countries of origin, raises the maximum time migrants may spend in reception facilities, introduces new provisions for food and care in the shelters and opens integration and work promotion offered to persons who have a good chance of remaining in Germany and
- the Act to improve accommodation, care and assistance for foreign children and young persons, which ensures that unaccompanied minors are distributed equally across Germany and which raises the minimum age for the ability to act in the asylum procedure from 16 to 18.

Other legal provisions in the areas of asylum and residence law are to be adopted during 2016.

The opposition parties DIE LINKE and Alliance 90/The Greens criticised the border controls and stricter asylum and residence provisions (see, for example, Bündnis 90/Die Grünen 2015; Deutscher Bundestag 2015e; Deutscher Bundestag 2015f; Jelpke 2015).

Apart from the debate about legal measures, refugee migration was the subject of heated discussions in civil society, which took place mostly outside parliament in the press and the social media, but also impacted debates in parliaments. On the one hand, there was a broad welcoming movement for refugees, basically calling for an opening of the German society for those who were looking for shelter. It ranged from volunteers who helped with registering and providing care for new arrivals to civil-society groups to promote integration at the local level and to political initiatives which aimed to counteract over-simplifying rejecting attitudes and racist slogans as well as the stricter asylum rules. For example, support networks for refugees were established providing food, drinks and clothes for new arrivals, ensured medical care and/or helped to set up emergency shelters (Bendixen/Häusler 2015; Flüchtlingshilfe München 2015; McGuinness 2015; Connolly 2015; Pleitgen/Mortensen 2015). Free or subsidised German language and/or alphabetisation courses were a core element of many support offers; in some cases, universities participated. In the framework of this engagement numerous new structures for the integration of refugees were created at the local level.<sup>11</sup>

11 An overview of local and cross-regional support initiatives can be found at <http://www.proasyl.de/de/ueber-uns/foerderverein/mitmachen/> and <http://helpto.de/en>.

A research study commissioned by the Evangelical Church in Germany (EKD) found that more than one in ten citizens engaged in some kind of support for refugees by the end of 2015 (Ahrens 2015).

On the other hand, a migration-sceptical to xenophobic movement emerged which was against immigration and refugees and reached from the middle of society to right-wing nationalist and neo-nazist circles. This movement found its expression in the Pegida movement ('Patriotic Europeans Against the Islamisation of the West') in Dresden and a number of branches in other German cities. The movement organised numerous demonstrations, which were often met with resistance in the form of counter-demonstrations. In the course of 2015, the movement found an ally in the Alternative for Germany (AfD) party. Initially criticising the euro, the AfD focused increasingly on asylum immigration and asylum policy in 2015.

The whole spectrum of immigration critical to openly racist movements was quite present in the social media. In practice, there were numerous attacks against refugees, people who were believed not to be German and refugee supporters. According to the Federal Criminal Police (BKA), 1,027 crimes against asylum shelters took place in 2015; 177 of these crimes were violent assaults. This means that the number of attacks on asylum shelters quadrupled from the preceding year (BKA 2016: 3; see also Blickle et al. 2015).

# 3 Legal migration and mobility

## 3.1 Economic migration

### 3.1.1 Background and general context

The goal of the Federal Government is to meet the current regional, vocational and sectoral need for skilled labour first and foremost through domestic labour force potential. Increased education and training for the domestic workforce, encouraging more women and older people to work, reducing vocational and academic drop-out rate as well as providing those with a migration background already living in Germany with additional qualifications are among the steps being taken. However, since improved mobilisation of domestic labour force potential is not expected to fully cover the need for skilled labour, immigration from the EU and third countries shall continue complementary according to the Federal Government (BMAS 2015a). Shortages of skilled labour might become more pressing in the medium to long term due to the demographic situation and the related decline in the labour force in Germany (Vollmer 2015).

Sections 16 to 21 of the Residence Act, the Employment Ordinance and the Professional Qualifications Assessment Act open up numerous paths for third-country nationals seeking employment to reside in Germany over the long term or temporarily, whether as employees, graduates of German universities and vocational schools, skilled workers, highly qualified workers, researchers, or self-employed who have obtained part or all of their professional qualifications abroad.

Following numerous innovations in 2009, such as through the Labour Migration Regulation Act (BAMF/EMN 2010: 25 et seq.), the Act Implementing Council Directive 2009/50/EC on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment took effect on 1 August 2012, introducing the EU Blue Card in Germany and facilitating access to the labour market for the highly qualified and foreign students (BAMF/EMN 2013: 23).

The EU Blue Card has since become an instrument of legal immigration enjoying increasing demand also in 2015. On 31 December 2014, a total of 20,421 third-country nationals were residing in Germany on the EU Blue Card; as of 31 December 2015, this number has risen to 26,679

according to the Central Register of Foreigners (AZR) (Schmidt/Rühl 2016: 28). This number does not include those who changed their residence title in 2015.<sup>12</sup>

In addition, the Assessment and Recognition of Foreign Professional Qualifications Act (the Recognition Act, BQFG) entered into force on 1 April 2012. It covers more than 600 professions recognised by federal law (BAMF/EMN 2013: 22 et seq.) This Act created for the first time at the federal level a general entitlement to have professional qualifications acquired abroad compared to those in the German reference profession and standardised and expanded the procedures and criteria for federally regulated occupations. Aside from the Federal Government, every federal Land has now enacted laws on recognising academic qualifications acquired abroad for regulated professions on the federal Land level (teachers, early childhood educators, social workers, etc.). Saxony-Anhalt was the last federal Land to adopt such a law on 1 July 2014 (see BMBF 2015: 38).

As entry and employment conditions for highly qualified workers have been repeatedly eased in the last few years, Germany is now, according to the OECD, one of the OECD countries “with the lowest obstacles for the immigration of highly qualified workers” (OECD 2013).

Between the entry into force of the Act on 1 April 2012 and 31 December 2014, a total of 44,094 applications for the recognition of professional qualifications acquired abroad were made. This figure only covers professions for which the federal authorities are responsible. This means that the total number of recognition procedures conducted in Germany is considerably higher.<sup>13</sup>

<sup>12</sup> The total number of EU Blue Card holders does not include 2,813 third-country nationals who were last registered as EU Blue Card holders in the Central Register of Foreigners, but were no longer resident in Germany as of 31 December 2015. In addition, 8,211 persons who were initially issued with an EU Blue Card from 1 August 2012 have meanwhile been granted another residence title. 7,571 of them now enjoy a permanent right of residence; most of them (6,669) were granted a settlement permit pursuant to Section 19a sub. 6 of the Residence Act.

<sup>13</sup> See [https://www.anerkennung-in-deutschland.de/html/de/statistik\\_zum\\_bundesgesetz.php](https://www.anerkennung-in-deutschland.de/html/de/statistik_zum_bundesgesetz.php) (1 Feb 2016).



### 3.1.2 National developments

#### Recognition of professional qualifications acquired abroad

In 2014, a total of 19,806 application procedures (of which 17,628 new applications) were closed. As in the preceding years, most applications for the recognition of professional qualifications dealt with medical and healthcare professions (14,895 out of 19,806 applications). 6,807 applications referred to doctors, 5,352 to healthcare personnel and another 681 to physiotherapists in 2014.<sup>14</sup> About half of the cases refer to qualifications acquired in the European Union (10,293), with the list of the 20 most important countries of origin being led by Romania (1,446) and Poland (1,359). Another 5,016 procedures dealt with qualifications from the remainder of Europe and 4,497 with qualifications acquired outside Europe. Table 1 gives an overview of the most important countries of education of the applicants.

#### Consultancy on the recognition of professional qualifications acquired abroad

The information and consultation services introduced along with the Recognition Act in 2012 (BAMF/EMN 2013: 23) for recognising foreign qualifications were once again widely used in 2014 and 2015. The demand for such services remains high and has steadily risen in the last few years. In addition to the online portal [www.anerkennung-in-deutschland.de](http://www.anerkennung-in-deutschland.de), the central hotline launched by the Federal Office on living and working in Germany is frequently called by interested parties both in Germany and abroad. On behalf of the demographic strategy of the Federal Government, this hotline<sup>15</sup> started its service on 1 December 2014. It provides a multi-language service for skilled workers, students and apprentices who consider coming to Germany and informs them on issues such as entry into Germany, residence, qualification opportunities, the search for work and the recognition of professional qualifications.

Between 2 April 2012 and 30 September 2015, consultation was provided on 454 reference professions in a total of 39,650 calls from 170 different countries. In comparison, by 30 September 2014, there had been 23,931 consultation calls concerning 395 professions with nationals from

Table 1: 20 most important countries of origins of recognised professional qualifications (2014)

Country where the professional qualification was acquired	Number of applications
Poland	1,662
Romania	1,614
Bosnia-Herzegovina	1,020
Spain	921
Russian Federation	780
Hungary	726
Austria	639
Greece	552
Italy	546
Croatia	510
Netherlands	495
Syria	480
Serbia (excl. Kosovo)	480
Turkey	471
Ukraine	453
Bulgaria	447
Czech Republic	360
Egypt	333
Slovakia	264
Iran	255

Source: Federal Statistical Office 2015

164 countries.<sup>16</sup> As in the comparison period in the preceding year, about one-third of the callers had acquired their qualifications in Poland (7.9%), the Russian Federation (7.5%), Turkey (5.6%), Romania (4.8%) and Ukraine (4.8%), even though a slight downtrend was visible.<sup>17</sup>

Since 2005, the “Integration through Qualification” (IQ) programme has been run in order to improve labour-market access for migrants. The programme has been extended by a new focus on ESF Qualification in the context of the Recognition Act for the support period 2015–2018. The focus is on ensuring that professional qualifications obtained abroad provide migrants more often with a job

<sup>14</sup> See [https://www.destatis.de/DE/PresseService/Presse/Pressemitteilungen/2015/09/PD15\\_365\\_212.html](https://www.destatis.de/DE/PresseService/Presse/Pressemitteilungen/2015/09/PD15_365_212.html) (1 Feb 2016).

<sup>15</sup> See <http://www.make-it-in-germany.com/de/fuer-fachkraefte/make-it-in-germany/hotline> (7 Apr 2016).

<sup>16</sup> See [www.anerkennung-in-deutschland.de/html/de/891.php](http://www.anerkennung-in-deutschland.de/html/de/891.php) (25 Feb 2014).

<sup>17</sup> See [http://www.anerkennung-in-deutschland.de/html/de/daten\\_bamf\\_hotline.php](http://www.anerkennung-in-deutschland.de/html/de/daten_bamf_hotline.php) (13 Jan 2015).

being in line with these qualifications. Approximately 40 initial contact points provide initial information to foreign nationals interested in having their professional qualifications recognised (BAMF/EMN 2013: 23). The programme is funded by the Federal Ministry of Labour and Social Affairs, the Federal Ministry of Education and Research and the Federal Employment Agency. From 1 August 2012 to 30 September 2015, the IQ contact points have provided consultation to 55,921 people from 175 different countries on 486 reference professions. Since many of those interested contacted the points several times, overall consulting is far higher, with a total of 86,679 consultation contacts. By comparison: Between 1 August 2012 and 30 September 2014, 32,674 people from 165 different countries were consulted on 428 German reference professions. The total number of consultations amounted to 48,951. During the consultations it became evident that most recognition procedures focus on teachers (11.2%) and engineers (8.4%). Overall, about one-third of those seeking advice had acquired qualifications in Poland (10.8%), the Russian Federation (10.2%), Syria (6.1%) or Ukraine (6.0%).<sup>18</sup>

#### Redefinition of the Recognition Act

On 22 December 2015, the Recognition Act has been amended according to the provisions set out in the Directive 2013/55/EU of the European Parliament and of the Council of 20 November 2013. The range of qualification documents which may be recognised was extended (section 4 subs. 2 no. 3 and section 9 subs. 2 no. 3 of the Recognition Act)<sup>19</sup> and an entitlement to quicker access to the examination necessary during the recognition procedure was implemented. Section 11 subs. 4 of the Recognition Act now runs as follows:

“If the applicant has decided to take an examination pursuant to subs. 3, the examination date shall be set within six months. If, due to relevant legal regulations for the profession within the meaning of subs. 3, the responsible authority decides that an examination must be taken, the examination date shall be set within six months after receipt of this decision.”

18 See [https://www.anerkennung-in-deutschland.de/html/de/daten\\_beratung.php](https://www.anerkennung-in-deutschland.de/html/de/daten_beratung.php) (2 Feb 2016).

19 The amended version not only lists “proof of capability” or “professional experience”, but also “other proven relevant qualifications”.

#### Redefinition of the Residence Act

The recognition of professional qualifications acquired abroad is a component of the Federal Government’s overall strategy to secure the supply of skilled labour in Germany in the medium to long term. (New) Immigrants with foreign education and professional qualifications shall be given an opportunity to work in their professions by the formal recognition of their qualifications, in particular in areas where labour bottlenecks are already beginning to show. The Residence Act was amended in this context. Section 17a of the Residence Act, which took effect on 1 August 2015, provides that third-country nationals can be granted a residence permit for the recognition of a vocational qualification abroad, for training measures and a subsequent examination. If “an agency which, according to regulations by the Federal or a federal Land government is responsible for the recognition of vocational qualifications, determines that additional training or qualifications are needed

1. to determine that the vocational qualification is equivalent to a domestic qualification or
2. to grant approval for exercising the profession or carrying the professional title in case of a domestic regulated profession” (section 17a subs. 1 of the Residence Act),

a residence permit may be granted for up to 18 months. In order to prevent abuse, a concrete offer of employment must be available if the training is provided mainly on the job. The residence permit allows its holder to work up to ten hours per week in a job which is not related to the vocational training and aims to remove professional, practical and/or language-related obstacles to adequate employment (Dienelt 2015: XXVIII).

#### 3.1.3 Developments referring to the EU

##### Full freedom of movement for Croatians

While workers from Bulgaria and Romania, which joined the EU in 2007, have already enjoyed complete freedom of movement since 1 January 2014 (Hanganu/Humpert/Kohls 2014), the full freedom of movement was still limited for Croatian nationals. The Republic of Croatia joined the EU on 1 July 2013. Initially, the Federal Government limited the freedom of movement for workers pursuant to the so-called “2+3+2 rule”, which says that the full freedom of movement for workers may be delayed by two years from the time of accession, then by another three years and, if necessary, another two years. The first phase of this transitional period ended on 30 June 2015.



In view of the favourable overall economic situation, the Federal Government informed the EU Commission that it would not extend the limitations which were in place until then. As a result, Croatian nationals have enjoyed the full freedom of movement for workers since 1 July 2015. The freedom to provide services was also limited for Croatian nationals during the transitional period. However, since 1 July 2015, Croatian construction, industrial cleaning and interior decoration companies may provide services in Germany and send their employees without limitations.<sup>20</sup>

## 3.2 Family reunification

### 3.2.1 Background and general context

Marriage and the family enjoy special protection under the Basic Law (Article 6 of the Basic Law). Third-country nationals may therefore be permitted to join family members (in particular with regard to the core family) who hold a residence title for Germany. The entry and residence of foreign spouses, children, parents, and other family members of Germans and of third-country nationals living in Germany are governed by sections 27–36 of the Residence Act, whereas sections 3 and 4 of the Act on the General Freedom of Movement for EU Citizens (FreizügG/EU) set out the provisions for third-country nationals joining EU citizens in Germany.

In certain cases the foreign spouses of third-country nationals living in Germany as well as those of German nationals must be able to demonstrate basic German language skills prior to entry in order to facilitate the spouse's integration in Germany. This rule is also designed to prevent forced marriages. Citizens from certain countries joining family members (e.g., Australia, Japan, Canada and the United States) and those joining family members who are permitted to reside in Germany on certain residence titles (e.g., EU Blue Card) are exempt from demonstrating German language skills. The Federal Administrative Court (BVerwG) handed down a landmark decision on 4 September 2012 stating that proof of German language skills when foreign spouses join German nationals can only be legally required to a limited extent. The decision stated that a visa must be issued to the foreign spouse if individual circumstances make attempting to learn basic German impossible or unreasonable, or such attempts are not

successful after one year. These exemptions do not apply to spouses joining foreign nationals, however a residence title for language acquisition in the Federal Territory can be issued to prevent unreasonable separation (BVerwG 10 C 12.12, decision of 4 September 2012; cf. BAMF/EMN 2013: 24 et seq.). As a rule, the visa applicant must provide proof of basic German language skills at reference level A1 of the Common European Framework of Reference for Languages (CEFR) prior to entry (BAMF/EMN 2011: 25; BAMF/EMN 2012: 33; 41 et seq.).

### 3.2.2 National developments

The Act on the redefinition of the right to stay and the termination of residence included numerous amendments, for example in the area of family members re-joining foreigners who enjoy subsidiary protection, resettlement refugees or well-integrated young people and adolescents. The Act entered into force on 1 August 2015 (see BMI 2015c).

#### Family reunification for those eligible for subsidiary protection

The Act granted family members of foreigners eligible for subsidiary protection the right to re-join their family. However, still in 2015 an initiative was started, to suspend this right again. It concluded in Article 2 of the Act on the Introduction of Accelerated Asylum Procedures which entered into force at the beginning of 2016, suspending the right for family reunification for persons eligible for subsidiary protection for two years (section 104 subs. 14 of the Residence Act).

Pursuant to the Act on the redefinition of the right to stay and the termination of residence, foreigners who enjoy subsidiary protection and hold a residence permit under section 25 subs. 2 sentence 1 first alternative of the Residence Act or a settlement permit under section 26 subs. 4 of the Residence Act should be allowed “to have their family join them under the same preconditions as foreigners who are entitled to asylum or recognised refugees” (DRK 2015: 1). The new provisions said that no proof of secure subsistence or sufficient living space was necessary for children or spouses if the application for family reunification was filed within three months of “final recognition as a person entitled to asylum” or “final granting of refugee status or subsidiary protection or the granting of a residence title pursuant to section 23 subs. 4 of the Residence Act” (section 29 subs. 2, second sentence, no. 1 of the Residence Act). There were also several changes concerning the

<sup>20</sup> See <https://www.bundesregierung.de/Content/DE/Artikel/2015/06/2015-06-17-arbeitnehmerfreizuegigkeit-kroatien.html> (3 Feb 2016).

proof of language skills. Spouses of foreigners who were granted subsidiary protection and held a residence title did not need to prove their German language skills anyway. This provision was extended on 1 August 2015 to spouses of foreigners who were granted subsidiary protection and held a settlement permit, provided that the marriage already existed when the foreigner established his or her main ordinary residence in the federal territory (section 30 subs. 1, third sentence, no. 1 of the Residence Act), before it was suspended again.

#### Family reunification for those granted international protection within the resettlement programme

Refugees who entered Germany in the framework of the resettlement programme have been granted a residence permit pursuant to the newly inserted section 23 subs. 4 of the Residence Act since 1 August 2015. They enjoy the same rights as persons entitled to asylum and recognised refugees and may therefore have their families join them in Germany. The preconditions are the same as for persons entitled to asylum and recognised refugees.

#### Family reunification for victims of trafficking

So far, family reunification for victims of human trafficking who held a residence permit pursuant to section 25 subs. 4a of the Residence Act was not allowed. Since 1 August 2015, this is possible, provided that the general preconditions for the family reunification are met and that the spouse or children re-join the family member in Germany on humanitarian grounds, for reasons of international law or in order to safeguard political interests of Germany. Section 29 subs. 3 of the Residence Act was amended accordingly. This provision applies mainly to spouses and children of victims of human trafficking who are entitled to reside in Germany; for parents, there are still limitations for family reunification.

#### Family reunification for well integrated adolescents

So far, young people and adolescents whose deportation had been suspended and who held a residence permit pursuant to section 25a subs. 1 of the Residence Act were not allowed to have their families join them. However, since 1 August 2015, a spouse and minor, unmarried children may be permitted entry, provided that the general conditions for the entry of the families are met and the spouse or children join the family member in Germany on humanitarian grounds, for reasons of international

law or in order to safeguard political interests of Germany. Section 29 subs. 3 of the Residence Act was amended accordingly.

### 3.2.3 Developments referring to the EU

#### Proof of basic German language skills for the re-joining spouse

On 1 August 2015, a general rule on cases of hardship for joining spouses was introduced. If a foreigner wants to re-join a German or foreign spouse, the proof of language skills may be “waived if, due to individual circumstances of the case, attempting to learn basic German is impossible or unreasonable for the spouse” (section 30 subs. 1, third sentence, no. 6 of the Residence Act). This provision meets the requirements by the European Court of Justice, which decided on 10 July 2014 in the so-called Doğan case that the proof of language skills required since 2007 for Turkish spouses was not compatible with the so-called “standstill” clause of the Association Agreement with Turkey. The judges concluded that the standstill clause precluded the introduction of new limitations to the freedom of establishment, indicating that all limitations which did not exist when the clause entered into force in Germany on 1 January 1973 are illegal. They stated that the documentation of language skills in the country of origin, which was introduced in 2007, made family reunification more difficult and was therefore a limitation on the freedom of establishment of Turkish nationals within the sense of this clause. The European Court of Justice underlined that “family reunification constitutes an essential way of making possible the family life of Turkish workers who belong to the labour force of the Member States, and contributes both to improving the quality of their stay and to their integration in those Member States” (European Court of Justice 2014).

## 3.3 Students and researchers

### 3.3.1 Background and general context

#### Students

Foreign students require a visa issued by the appropriate German diplomatic mission prior to entering Germany. This does not apply to students from the European Union, Australia, Israel, Japan, Canada, the Republic of Korea, New Zealand, or the United States. Foreign students from third countries must meet the requirements for being granted a

residence permit for study purposes (section 16 subs. 1 of the Residence Act). These generally include a letter of acceptance<sup>21</sup> from an accredited German university, proof of financing for the first academic year, and proof of sufficient health insurance. The acceptance to a university typically requires proof of knowledge of the language of instruction (Mayer et al. 2012: 24–28).

Visas for foreign students are granted in a fast-track procedure. While the visa generally must be expressly approved by the foreigners authority at the future place of residence, approval is considered given and the visa issued if this authority does not express any objections to the diplomatic mission where the visa was requested within a period of three weeks and two business days (silence period). In certain cases, no approval is required such as for holders of scholarships from German scientific organisations or German public agencies (Mayer et al. 2012: 24–28).

The foreign student is issued a residence permit after entry. Studies in the broader sense of the term also include language and other courses which prepare the student for the main course of study.

The number of foreign students enrolled at German universities has risen steadily over recent years: while 301,350 foreign students (both those who completed primary education in Germany and those who completed it abroad) were registered at German universities for the 2013/14 Winter Semester (StBA 2014), a total of 321,569 were registered for the 2014/15 Winter Semester, about half of which (158,064) were women (StBA 2015: 13). According to the coalition agreement between the governing parties (CDU/CSU/SPD 2013: 29), this number is to be raised to 350,000 by 2020.

Once third-country nationals have completed their studies, they have the option of staying in Germany for a longer period of time or even permanently. Pursuant to section 16 subs. 4 of the Residence Act, graduates may stay in Germany for up to 18 months in order to seek a job commensurate with their qualification. If they are successful, they may apply for a residence title for employment purposes (for example titles issued pursuant to sections 18 or 19a of the Residence Act). Similar provisions apply to third-country nationals who are undergoing or have undergone vocational training pursuant to

section 17 of the Residence Act. After having completed their training, they may remain in Germany for up to 12 months for the purpose of seeking a job commensurate with their qualification and, if they are successful, apply for a residence title for employment purposes (Grote/Vollmer 2016: 13 et seq.).

### Researchers

Since August 2007, the legal basis for the immigration of researchers from third countries has been section 20 of the Residence Act, which implements the so-called EU Researchers Directive 2007/71/EC. In order to be eligible for a residence permit for research purposes, foreign nationals must have effectively concluded an admission agreement to conduct a research project at a research facility accredited by the Federal Office for Migration and Refugees (BAMF 2012: 91). The residence permit is not limited strictly to the research project being conducted but also permits researchers to teach (section 20 subs. 6 of the Residence Act). Visa for a residence permit for research purposes are usually granted in a fast-track procedure. Spouses of researchers are allowed to work (section 27 subs. 5 of the Residence Act).

According to preliminary figures by the Central Register of Foreigners, a total of 978 researchers resided in Germany on the basis of section 20 subs. 1 of the Residence Act on 31 December 2015. 278 of them entered the country after 31 December 2014.

In addition to residence permits under section 20 of the Residence Act, third-country nationals are also (and primarily) conducting research on residence permits under sections 16, 18, 19 or 21 of the Residence Act (cf. Klingert/Block 2013), and, since 1 August 2012, on EU Blue Cards under section 19a of the Residence Act (Beirat für Forschungsmigration 2013: 22).

### 3.3.2 National developments

There were no relevant legal developments in this area in 2015.

### 3.3.3 Developments referring to the EU

On 4 December 2015, the Ministers of Justice and the Ministers of the Interior agreed on common rules for the entry and residence of students, researchers, interns and participants of the European Voluntary Service (EVS).

21 Those still waiting for a letter of acceptance or having to take an entrance examination may apply for a student applicant visa, which is then turned into a residence permit for study purposes in Germany upon submission to the foreigners authority at the place of study.

The Member States may also apply these rules to pupils, au-pairs and to persons who come to the EU for voluntary service, but outside the EVS. The ultimate goal is to harmonise the rules of entry, the rights and the mobility of these groups of persons within the European Union and thus to strengthen Europe as a business location and make it more attractive for mobile talents.

The Directive provides for higher weekly working hours for students, easier family reunification and labour market access for family members of researchers as well as better freedom of movement for students from third countries who want to spend part of their studies in another Member State than the one they're holding a residence title for (for example in the framework of certain programmes such as ERASMUS+).<sup>22</sup>

### 3.4 Other legal migration

#### 3.4.1 Background and general context

In addition to migration on humanitarian grounds, for educational and economic purposes and for reasons of family reunification, Jewish immigrants from the former Soviet Union and ethnic German repatriates have legal paths for immigrating to Germany.

##### Jewish immigrants

Germany has been admitting Jewish immigrants and their family members from the successor states of the former Soviet Union since 1990.<sup>23</sup> The intention is to promote the integration of these immigrants into both Jewish communities and German society. Admission requirements, such as proof of Jewish ancestry, likelihood of successful integration, basic German language skills (level A1) and being able to be accepted into a Jewish community, are intended to ensure that these two goals are met. Victims of National Socialism are exempt from needing the otherwise required likelihood of successful integration and basic German language skills. Family members of applicants can also be admitted. The legal basis for admitting Jewish immigrants is formed by section 23 subs. 2 in conjunction with section 75 no. 8 of the Residence Act, the Order of the

Federal Ministry of the Interior of 24 May 2007, and the amendment to the Order of the Federal Ministry of the Interior of 21 December 2011. The Federal Ministry of the Interior is authorised under section 23 subs. 2 of the Residence Act to admit foreign nationals in order to safeguard special political interests in consultation with the supreme authorities of the federal Länder. This regulation formed a legal basis for admitting Jewish emigrants from the successor states of the former Soviet Union to offset the abolition of the Act on Measures for Refugees Admitted under Humanitarian Aid Programmes (Storr 2008: marginal note 2).

In 2015, 378 Jewish immigrants from the successor states of the former Soviet Union entered Germany. This is a rise of almost 60% year-on-year (2014: 237). The fights in eastern Ukraine are one reason for this development. In principle, however, the number of Jewish immigrants from the former Soviet Union has dropped considerably since 2002.<sup>24</sup> In 2002, a total of 19,262 Jews and their family members came to Germany from the former Soviet Union.

As of December 2015, a total of 206,535 Jewish immigrants (including family members) have entered Germany under the regular procedure since the beginning of the statistics in 1993. An additional 8,535 persons had filed an application before the starting date of the statistics or outside the regular procedure until 10 November 1991. This means that roughly 215,000 persons have entered Germany via this procedure by 2015.

##### Ethnic German re-settlers and repatriates

Since 1950, more than 4.5 million ethnic German re-settlers and repatriates<sup>25</sup> and their family members have been admitted into Germany. They form one of the largest groups of immigrants in Germany, mainly due to the high influx during the 1990s. In 1990, a total of 397,073 ethnic German re-settlers and repatriates came to Germany, although the numbers dropped sharply in the following years. The lowest point so far was in 2012 at 1,817 (Worbs et al. 2013), and the number has increased slightly since then. A total of 2,429 ethnic German repatriates and their family members moved to Germany in 2013,

22 See [http://www.europa.eu/rapid/press-release\\_IP-15-6256\\_de.pdf](http://www.europa.eu/rapid/press-release_IP-15-6256_de.pdf) (10 Feb 2016).

23 Cf. the decision of the Council of Ministers of the German Democratic Republic of 11 July 1990 and the decision of the Conference of Minister-Presidents of 9 January 1991.

24 2006 was the only exception.

25 Those immigrating before the end of 1992 are termed "ethnic German re-settlers", while those immigrating after 1992 are termed "ethnic German repatriates". The basis for this distinction is the German Act to Resolve the Consequences of the Second World War (KfBG).

another 5,649 in 2014 and a further 6,118 in 2015. Of the latter, 6,096 came from the successor states of the former Soviet Union, 13 from Poland and 7 from Romania.<sup>26</sup>

### 3.4.2 National developments

#### Jewish immigrants

Against the background of the protracted conflicts in eastern Ukraine, Jewish immigrants from the districts of Lugansk and Donetsk were approved for admission, even without a proof of language skills which are generally necessary (level A1), provided that they meet all other conditions. Though, the proof of the language skills needs to be presented to the competent local foreigners authority within 12 months after entering Germany. The Federal Ministry of the Interior issued an order to this effect in consultation with the federal Länder taking effect on 13 January 2015.<sup>27</sup>

#### Ethnic German re-settlers and repatriates

Ethnic German repatriates from eastern Ukraine have been benefiting from some exemptions during the reception procedure since mid-2014. Applicants who can credibly claim that they were affected by the fighting are given priority during the written procedure. However, the proof of language skills and of origin are not waived. Those who meet all preconditions for entering Germany and cannot be expected to wait for their admission in Ukraine may apply to be registered as cases of special hardship in the branch office of the Federal Office of Administration at Friedland, which is responsible for ethnic German repatriates. However, this requires them to have already entered Germany.

## 3.5 Integration

### 3.5.1 Background and general context

Integration is a cross-sectional task and a policy focus for the Federal Government. The Federal Ministry of the Interior is responsible overall for social cohesion, immigration, and integration, while sharing these tasks with other

ministries, such as the Federal Ministry of Labour and Social Affairs (BMAS), the Federal Ministry of Education and Research (BMBF), the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) and the Federal Ministry of Economics and Technology (BMWi). The operative responsibility for the integration measures of the Federal Government rests with the Federal Office for Migration and Refugees. In addition, the federal Länder and the local authorities are active players in the field of integration.

The Residence Act which took effect on 1 January 2005 enshrined integration offers into Federal Law for the first time (sections 43–45 of the Residence Act). In Germany, integration is regarded as a task for which the Federal Government, the federal Länder and the local governments are responsible. The first integration summit in 2006, the “National Integration Plan” presented by the Federal Government in 2007, the nationwide “Integration Programme” developed in 2010 and the “National Action Plan on Integration” (2012) are only some of the key integration policy activities at the federal level.

The focus of integration policies has been widened over the years. Initially, the notion prevailed that migrants were unilaterally responsible for integrating themselves into the host society. Meanwhile, the role of the host society itself and its structural and institutional requirements for participation have received attention as well. The host society and its institutions have since been increasingly included in integration efforts, for instance when implementing equal opportunity in the education system and in the training, labour and housing markets by strengthening cross-cultural competence and boosting the percentage of employees with migration backgrounds in schools, administration and businesses. In addition, the Anti-Discrimination Act, which also covers ethnic and religious discrimination, entered into force in 2006, and the Federal Anti-Discrimination Agency (Antidiskriminierungsstelle des Bundes, ADS) was established.

All integration measures are based on sections 43–45 of the Residence Act. The core is formed by so-called integration courses. In addition to the general integration course consisting of a 600-hour language course and a 60-hour orientation course,<sup>28</sup> classes are also provided for the illiterate, women/parents, youths (who are no subject to compulsory school attendance) and young adults as well as supplementary classes with up to 900 hours of language instruction and 60 hours of orientation. A so called intensive course,

<sup>26</sup> See <http://www.bund-der-vertriebenen.de/information-statistik-und-dokumentation/spaetaussiedler/aktuelle-aussiedlerstatistik.html> (10 Feb 2016).

<sup>27</sup> See [http://www.kiew.diplo.de/Vertretung/kiew/de/05/JE\\_Kontakt\\_Oeffnungszeiten.html](http://www.kiew.diplo.de/Vertretung/kiew/de/05/JE_Kontakt_Oeffnungszeiten.html) (10 Feb 2016).

<sup>28</sup> It is planned to extend the orientation courses up to 100 hours.



which consists of 430 hours (400 hours of language classes and 60 hours of orientation) is available for immigrants with academic qualification equivalent to the matriculation standard in Germany or immigrants who are looking to find work promptly (cf. BAMF 2013a: 10).

Integration courses are provided nationwide by approximately 1,500 providers (primarily adult education centres, private language and vocational schools, educational institutions, professional training centres, initiative groups, and church organisations). From 2005 to end-2015, over 1.32 million people started an integration course – almost 1.5 million including those taking the course again (BAMF 2016b: 2). A total of EUR 2.03 billion was spent on integration courses from the beginning in 2005 to the end of 2015.

There are numerous additional integration measures at the Federal and federal Land level as well as the local level. In particular, the Migration Consultation for Adult Immigrants (Migrationsberatung für erwachsene Zuwanderer, MBE) is to be mentioned. This programme provides migrants who are older than 27 with individual advice for a limited period of time; it was established by the Residence Act in 2005 (section 75 no. 9 in conjunction with section 45, first sentence of the Residence Act). In case of migrants who have been living here for some time but who still “need to catch up in terms of integration”, they can also get advice under the Migration Advisory Service programme.<sup>29</sup> In addition to the statutory integration programmes, the Federal Government supports projects for the social and societal integration of immigrants, which promote local social participation and strengthen social cohesion. They focus on enabling the migrants to arrive in their local communities, on providing opportunities for meetings between the migrants and the host community and on communicating values. Migrant organisations are important partners and help to create bridges; volunteering is supported.

The German Islam Conference (Deutsche Islam Konferenz, DIK) should be mentioned in this context, too. It provides a forum for a dialogue between the government and Muslim associations. The Conference was established in 2006 with the goal of promoting the integration of Islam into German religious law and the participation of Muslims in German society. During the current legislative period, the German Islam Conference will focus on two issues, namely strengthening Islamic welfare services and clarifying the general organisational framework conditions

for introducing Islamic pastoral care at the federal level, in the federal Länder and in local government (military, correctional facilities, hospitals).

### 3.5.2 National developments

#### Integration- and starter courses for asylum seekers with good prospects to remain

The Act on the Acceleration of Asylum Procedures, which entered into force on 24 October 2015, admitted asylum seekers from countries with good prospects to remain (at present: Eritrea, Iran, Iraq and Syria) as well as persons whose deportation has been suspended pursuant to section 60a subs. 2, third sentence of the Residence Act or who hold a residence permit pursuant to section 25 subs. 5 of the Residence Act to the integration courses provided by the Federal Office for Migration and Refugees (BAMF 2015c: 1 et seq.). Refugees from Syria, Iraq, Iran and Eritrea no longer need to be recognised as refugees first in order to participate in one of the courses; participation in these courses may now start earlier than before.

Furthermore, until 31 December 2015, asylum seekers from the four countries mentioned above had the opportunity to enrol in starter courses funded by the Federal Employment Agency pursuant to section 421 of the Third Book of the German Social Code (BA 2016). These starter courses are additional language courses by the Federal Employment Agency offered to persons who had not yet started an integration course funded by the Federal Office for Migration and Refugees, but started a language course before 31 December 2015. This additional, limited starter course offer required an amendment to section 421 of the Third Book of the German Social Code. The courses were funded by unemployment contributions, with the total cost amounting to EUR 320–400 million. By end-2015, a total of 222,282 participants enrolled in a starter course provided by the relevant providers. The take-up rate considerably exceeded the initial expectations (BA 2016).

#### Support for German for professional purposes funded by federal funds

The Act on the Acceleration of Asylum Procedures of 20 October 2015 (BGBl. I p. 1722) integrated German language courses for professional purposes in the Residence Act (section 45a of the Residence Act). This programme aims to improve migrants’ opportunities on the labour market by combining German lessons with professional training, employment or active labour-market policies.

<sup>29</sup> See Brandt et al. (2015) for a detailed analysis of the Migration Advisory Service.

It will be introduced by mid-2016 in addition to the ESF-BAMF programme, which will run out at the end of 2017. The Federal Office for Migration and Refugees is responsible for the implementation of the programme.

#### Facilitated access to internships for persons whose deportation has been suspended or who have filed an asylum application

On 3 August 2015, the Federal Cabinet decided to amend section 32 of the Employment Ordinance, which will give persons whose deportation has been suspended or who have filed an asylum application and hold a permission to stay in Germany easier access to certain internships which are not subject to minimum wage requirements and are related to their professional training or their studies. The new provision applies to “obligatory internships, internships with a length of up to three months which will help the interns to choose a professional training programme or course of study, internships integrated into a professional training programme or course of study with a length of up to three months and initial qualifications or preparatory measures to professional training” (BMAS 2015b). The amendments will enable persons whose deportation has been suspended to “start such an internship right on their first day of residence. Persons who hold a permission to stay<sup>30</sup> can start after three months of residence in Germany; no priority check and no check of the working conditions by the Federal Employment Agency will take place” (Flüchtlingsrat Niedersachsen 2015a).

#### ESF-federal programme “Strong on the Job – Mothers with Migration Backgrounds Joining the Workforce” project

On 9 February 2015, the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth started its new programme “Strong on the Job – Mothers with Migration Backgrounds Joining the Workforce”,<sup>31</sup> the follow-up to the model project “Strengthen Resources – Secure the Future” (BMFSFJ 2014). As part of the Federal Government’s skilled labour strategy, the goal of the programme is to make mothers with migration backgrounds more visible on the labour market. It will fund around 80 projects

nationwide between 2015 and 2020 that individually support mothers with migration backgrounds along their career path. The programme will also open up paths to the labour market for female asylum seekers who do not have priority access. In addition, the programme seeks to get more employers to hire mothers with migration backgrounds. The programme also focuses on structural measures with the goal of tailoring labour market instruments to the needs of the target group as well as improving the networking among the relevant local labour market players. The programme receives funding from the ESF (BMFSFJ 2015a).

#### Foreigners authorities to welcoming authorities

On 3 November 2015, the final event of the model project ‘Foreigners Authorities – Welcoming Authorities’, which started in 2013, took place. The experience of the ten pilot authorities<sup>32</sup> located all across Germany was collected and integrated in a ‘toolkit’,<sup>33</sup> which is now available to all foreigners authorities (BAMF 2015d). “This toolkit includes instruments which were successfully used during the model project, such as intercultural trainings for employees, new timetable management systems and multi-language forms”, which may be used to advance the intercultural openness of foreigners authorities and registry offices (BAMF 2015d). As a follow-up measure, qualification workshops concerning the use of these instruments will be held for interested foreigners authorities in 2016.

#### Federal volunteer Service related to refugee matters

The Federal Ministry of Family Affairs, Senior Citizens, Women and Youth has asked the Federal Office for Family and Civil Society Functions (Bundesamt für Familie und zivilgesellschaftliche Aufgaben, BAFzA) to create another 10,000 places for Federal Volunteers. Minister Manuela Schwesig explained: “The new Federal Volunteer Service related to refugee matters is an important cornerstone for sustainably strengthening our welcoming culture.

<sup>30</sup> The Federal Office will issue asylum seekers whose asylum procedure is still underway with a permission to stay. This permission entitles them to live and, under certain conditions, to work in Germany until the end of the asylum procedure, i.e. until the final decision on their asylum application. (BAMF 2016c).

<sup>31</sup> [www.starkimberuf.de](http://www.starkimberuf.de)

<sup>32</sup> The pilot authorities were located in Bietigheim-Bissingen (Baden-Württemberg), Deggendorf (Bavaria), Potsdam (Brandenburg), Wetteraukreis (Hesse), Essen (North-Rhine Westphalia), Mainz (Rhineland-Palatinate), Chemnitz (Saxony), Magdeburg (Saxony-Anhalt), Kiel (Schleswig-Holstein), Weimar (Thuringia). The foreigners authorities at Heidelberg (Baden-Württemberg), Erlangen (Bavaria), Kassel and Wiesbaden (Hesse), Cologne (North-Rhine Westphalia) and Dresden (Saxony) supported the project as partner authorities (BAMF 2015d).

<sup>33</sup> [www.bamf.de/werkzeugkoffer](http://www.bamf.de/werkzeugkoffer)

Therewith, we support both, the engagement for refugees as well as the engagement by refugees themselves who seek to find a new home in Germany” (BMFSFJ 2015b). Volunteers can be German or persons who are entitled to asylum or have a good chance of being allowed to stay in Germany<sup>34</sup> (BAFzA 2015a). EUR 50 million are to be spent annually on the programme up to end-2015 (BMFSFJ 2015b). The Federal Volunteer Service gives young people in Germany an opportunity to do labour-market-neutral volunteer work, for example in the social, ecological or cultural area, for a limited period of time.<sup>35</sup>

#### Unlawful ban of Muslim teachers from school wearing a headscarf

On 13 March 2015, the Federal Constitutional Court (Bundesverfassungsgericht, BVerfG) decided on the general ban on headscarves for teachers at state schools in North Rhine-Westphalia, which is included in the federal Land’s Education Act (Federal Constitutional Court 2015, ref. no. 1 BvR 471/10 and 1 BvR 1181/10). The ban in North Rhine-Westphalia covers all views of a political, religious, ideological or similar nature “which are likely to endanger or interfere with the neutrality of the federal Land with regard to pupils and parents, or to endanger or disturb the political, religious and ideological peace at school” (cf. section 57 subs. 4, first sentence of the North Rhine-Westphalian Education Act). “Presenting Christian and occidental educational and cultural values and traditions” were exempt from this provision (section 57 subs. 4, third sentence of the North Rhine-Westphalian Education Act). Two teachers who had been sanctioned on the basis of the North Rhine-Westphalian laws because they had refused to remove their headscarves or substitute headwear at school had brought constitutional complaints. The Court decided that a general ban interfered with the right to freedom of faith pursuant to Art. 4 of the Basic Law: “The freedom of faith and the freedom to profess a religious or ideological belief (Art. 4 secs. 1 and 2 of the Basic Law) guarantees teachers at interdenominational state schools the right to adhere to a rule to cover oneself that is considered to be binding due to religious beliefs” (BVerfG 2015). A general ban is not permissible; a ban would be admissible only if there was a sufficiently specific danger of impairing the peace at school.

The decision directly affects the federal Land of North Rhine-Westphalia, which was asked to amend the provisions of section 57 subs. 4 of its Education Act. The federal Land did so on 25 June 2015. Several other federal Länder, namely Baden-Württemberg, Bavaria, Berlin, Bremen, Hesse, Lower Saxony and Saarland, are indirectly affected, as they have also included general bans on headscarves in their Education Acts. Some of them make favourable exemptions for Christian symbols (cf. DIK 2015). So far, none of the federal Länder have amended their Education Acts along the lines set out by North Rhine-Westphalia. However, some federal Länder ministries have issued decrees or sent information letters to their state schools saying that teachers at state schools may in the future wear headscarves (Bremen, Lower Saxony, Hesse; see the detailed analysis by the ‘Action Alliance of Muslim Women’<sup>36</sup> (Aktionsbündnis muslimischer Frauen, AmF 2016).

#### Developments referring to the EU

##### Policy compliance of obligatory integration tests for long-term resident third-country nationals

On 9 July 2015, the European Court of Justice decided that third-country nationals who are long-term residents in the EU Member States may be obliged to undergo integration tests under pain of a fine. Such a provision violates the European permanent residence directive (2003/109/EC)<sup>37</sup> only under certain conditions. The European Court of Justice handed down this judgment due to a request for a preliminary ruling from the Centrale Raad van Beroep (Netherlands). The Court confirmed that obligatory civic integration examinations for long-term residents were in accordance with the directive, as they ensured “that the third-country nationals concerned acquire knowledge which is undeniably useful for establishing connections with the host Member State” (European Court of Justice, C-579/13: margin no. 48). At the same time, the Court limited the scope for sanctions in case the third-country nationals did not pass or did not participate in civic integration examinations: “However, the means of implementing that obligation also must not be liable to jeopardise those objectives, having regard, in particular, to the level of knowledge required to pass the civic integration examination, to the accessibility of the courses and material necessary to prepare for that examination, to the amount of fees applicable to third-country nationals as

34 Persons from safe countries of origin (Albania, Former Yugoslav Republic of Macedonia, Bosnia-Herzegovina, Montenegro, Ghana, Senegal, Kosovo, Serbia) may not apply.

35 [www.bundesfreiwilligendienst.de/der-bundesfreiwilligendienst/ueber-den-bfd.html](http://www.bundesfreiwilligendienst.de/der-bundesfreiwilligendienst/ueber-den-bfd.html) (23 Mar 2016)

36 [www.muslimische-frauen.de](http://www.muslimische-frauen.de) (23 Mar 2016).

37 Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents.



registration fees to sit that examination, or to the consideration of specific individual circumstances, such as age, illiteracy or level of education.” (European Court of Justice C-597/13: margin no. 48 et seq.; cf. LTO 2015).

### 3.6 Nationality and naturalisation

#### 3.6.1 Background and general context

On 1 January 2000, the principle of *ius soli* (right of the soil) was added to the provisions governing the right of German citizenship according to the principle of *ius sanguinis* (right of blood). Since then, children born in Germany whose parents are both foreign nationals receive German citizenship at birth if at least one parent has been legally and consistently residing in Germany for eight years and has a permanent right of residence. Until 20 December 2014, this form of obtaining citizenship was in general linked to the obligation to opt for one nationality: Pursuant to section 29 of the Nationality Act, these children were required upon reaching adulthood and receiving a notification from the proper authority to choose between German citizenship and the foreign citizenship obtained through their parents by the age of 23. The same also applied to children born after 1 January 1990 who obtained German citizenship in 2000 on request of their parents in the framework of a transitory arrangement (section 40b of the Nationality Act).<sup>38</sup> Under the 2014 revision of the obligation to opt, most of those affected will be exempt from the requirement to choose one nationality in the future because they are considered “born and raised in Germany” pursuant to section 29 subs. 1a of the Nationality Act. While most of those who have so far been obliged to choose one nationality may have both nationalities in the future,<sup>39</sup> German law still retains the principle of avoiding multiple nationalities. This means that naturalised Germans will still need to give up their prior nationality (section 10 subs. 1, first sentence, no. 4 of the Nationality Act), even though there are numerous exceptions (section 12 of the Nationality Act). EU and Swiss citizens can, as a rule, keep their prior nationalities.

In addition to the principle of *ius soli*, foreign nationals who have been lawfully residing in Germany for several years can obtain German citizenship through naturalisation. A series of conditions must be fulfilled in order to be eligible for naturalisation, including a permanent right of residence status as well as eight (in special cases: seven or six) years of consistent and legal residence in Germany, a self-secured means of subsistence, as well as no criminal convictions (section 10 subs. 1 of the Nationality Act). Naturalisation also requires a sufficient knowledge of German (level B1 GER). Since 1 September 2008, those applying for naturalisation must also demonstrate knowledge of the German legal and social system and living conditions in Germany by taking a national standardised naturalisation test. Those with a German school leaving certificate are exempt from this requirement (Weinmann et al. 2012: 209).

Figure 1 shows that the number of naturalisations between 2000 and 2014 has fallen from 186,700 to around 108,400 – a drop by almost 42%. The lowest point was in 2008, with around 94,500 naturalisations. After this, the number of people obtaining German citizenship rose slightly through to 2013. Since 2010, it has remained consistently above 100,000 per year, but has not yet returned to the level seen in the years directly after the reform of the Nationality Act.

The trend of what is known as the maximised naturalisation rate (Figure 2) shows a similar progression. This indicator is calculated by the Federal Statistical Office and shows the ratio between the number of domestic naturalisations and the number of foreign nationals who have been living in Germany for at least 10 years at the start of the reporting year. For the sake of simplicity, the length of residence is taken as a proxy for meeting all requirements for naturalisation (StBA 2014b: 6). Similarly to the absolute figures, the maximised naturalisation rate fell from 4.9% to 2.2% from 2000 to 2013, with a low point of 2.1% in 2008, as well (see Figure 2).

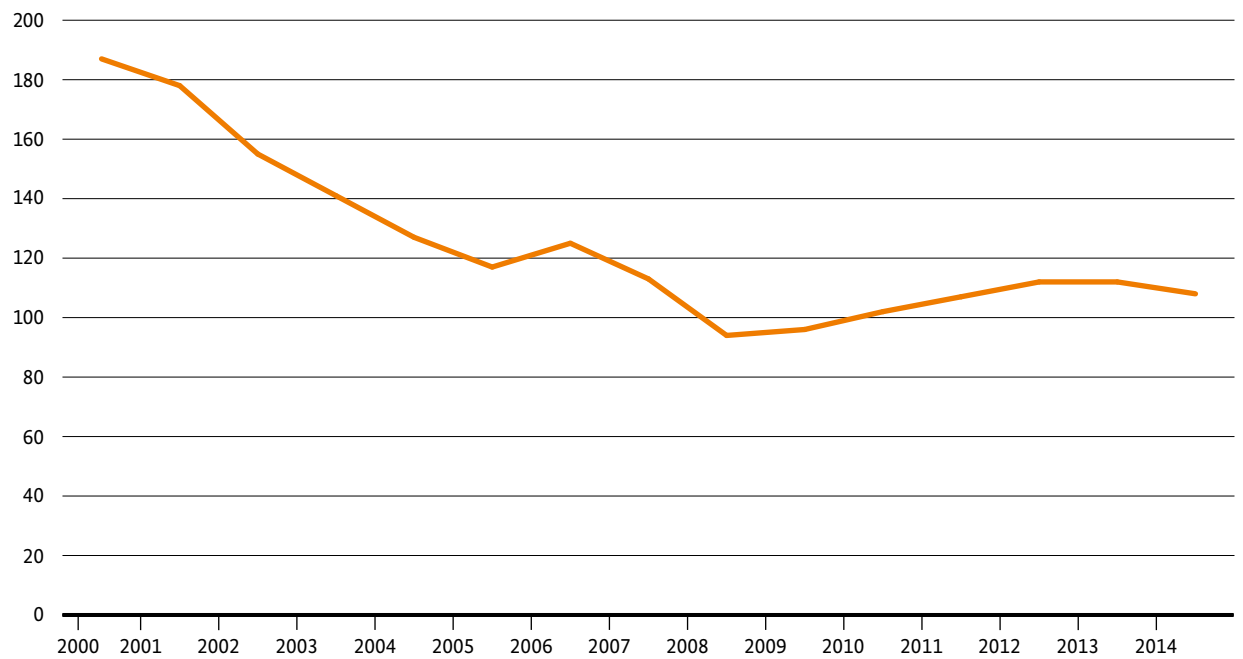
#### 3.6.2 National developments

##### Jurisdiction on discretionary naturalisation decisions

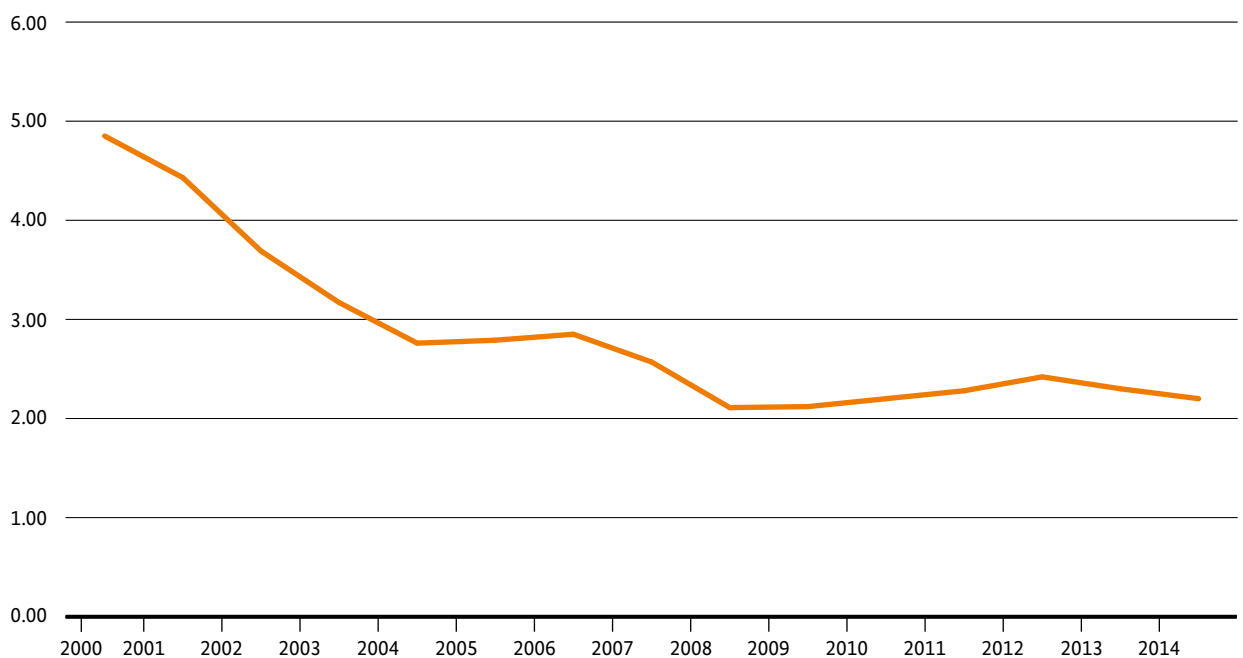
On 28 May 2015, the Federal Administrative Court decided in its judgment BVerwG 1 C 23.14 that, when taking a discretionary naturalisation decision pursuant to section 8 of the Nationality Act, the authorities must take into account whether the foreign citizen is able to secure the livelihood of family members (in this case, the spouse and the children) who still live abroad. When examining the criterion of a secure livelihood, it does not matter whether

38 For a comprehensive analysis of the obligation to opt for one nationality in force until the end of 2014 and the decision-making behaviour of persons concerned, please see Worbs (2014).

39 The Federal Minister of the Interior had estimated this share at 90% on the basis of an earlier draft law, which included more restrictive criteria; see <http://www.zeit.de/politik/deutschland/2014-02/doppelte-staatsbuergerschaft-kritik-de-maiziere-oezuguz> (18 Dec 2014).

**Figure 1: Naturalisations of 1,000 persons, 2000–2014**

Source: Federal Statistical Office 2015

**Figure 2: Tapped naturalisation rate in percent, 2000–2014**

Source: Federal Statistical Office 2015

the family members already live in Germany or intend to join their spouse/parent. All family members who are entitled to support from the foreign national must be taken into account.

#### Legislative proposals of the opposition parties

On 15 April 2015, the parliamentary group of Alliance 90/The Greens presented a bill for a reform of the Nationality Act, under which all children born in Germany should obtain German nationality without any restrictions (Deutscher Bundestag 2015g). The bill was sent to the relevant committee.

### 3.7 Management of migration and mobility

#### 3.7.1 Border control

##### Background and general context

Since the stationary border controls between Germany, Poland, and the Czech Republic were dismantled on 21 December 2007, and those between Germany and Switzerland on 18 December 2008, the Federal Police now only exercises border controls at German air and maritime borders.

After the abolition of controls at borders inside the Schengen area, exercising police authority at the internal borders of the Schengen area is expressly permitted by the Schengen Border Code in order to combat cross-border crime. Such controls are also conducted by the Federal Police along the German federal highway and rail systems, in trains, and at seaports as random checks and based on situation reports or experiences in border control. Border protection includes prohibiting and preventing illegal entry, combating cross-border people smuggling and other cross-border crime. If a person who has illegally entered the German territory is found within a 30 km corridor along the border to EU Member States, s/he will become subject of terminating his or her residence.

External borders are controlled based on the regulations of the Schengen Border Code. Germany uses modern document scanning and verification equipment, which facilitates efficient verification of a document's authenticity based on optical and digital features. The use of biometric procedures in border checks, specifically when verifying the identity of document holders, will play an increasingly important role in the future (visa control,

e-Passport control, automated border control systems). German diplomatic missions and the Federal Police in particular are involved in the national implementation of the European Visa Information System (VIS) (Parusel/Schneider 2012). By now, all German diplomatic missions have been connected to the VIS.

#### National developments

##### Reintroduction of border control

Due to the high rise in numbers of illegal border crossings of third-country nationals at the Schengen external borders and the interest of public security, on 13 September 2015, the Federal Minister of the Interior announced the temporary reintroduction of border controls at the German internal borders with a focus on the German-Austrian border. The measures have been prolonged several times and are currently in place until mid of May 2016 (BMI 2015b). Germany had already conducted border controls on the internal German-Austrian border between 26 May and 15 June 2015 against the background of the G7 meeting at Schloss Elmau (Deutscher Bundestag 2015h: 20). While these controls aimed mainly at providing security during the summit, most of the registered offences went against the provisions of the Residence Act (Lohse 2015a). In 2015, 4,168 persons were refused entry and 568 removed at the border to Austria (Deutscher Bundestag 2016c: 20).

##### Expansion of EasyPASS border control system

In 2015, additional automated border control lanes (EasyPASS) were opened at German airports. By the end of the year, 140 control lanes were working at the airports of Munich, Frankfurt am Main, Düsseldorf, Hamburg, Berlin-Tegel and Cologne-Bonn. EasyPASS is based on the photograph in passports and optionally in German identification cards.

##### Installation of a national evaluation system

In implementation of the recommendations of the Schengen Evaluation for Germany the Federal Police has developed a national supervision procedure for quality assurance. This includes all authorities responsible to police the border (Federal Customs Department, Waterway Police Hamburg and Bavarian State Police). It is planned to evaluate the main border crossings according to a nationwide standardized evaluation system in continuous intervals.

### Cooperation with third countries to secure borders

In the time of globalisation, national security can no longer be exclusively guaranteed within national borders, it also requires close international (border) police cooperation. The Federal Police cooperates with the proper border protection agencies of the other EU Member States as well as third countries as needed.

As part of its own extritorialization strategy, border police cooperation of the Federal Police with third countries is an important part of the integrated border management for controlling the external borders of the EU. In addition to personnel deployments, it includes assisting in building capacities for border controls.

This essentially includes training assistance as part of both specific bilateral measures and EU-funded projects, such as EU-Twinning or EU-TAIEX projects. The purpose of these measures – and with them tangible added value for the Federal Police – is to improve cooperation with foreign (border) police forces while taking into account key aspects relevant to migration. Ultimately, their purpose is to help execute border policing duties at the external borders of the EU more efficiently and make it easier to successfully combat illegal migration and international people smuggling. In addition, border control structures are strengthened in those states.

As part of a training and equipment assistance programme, a total of 100 training and 18 equipment assistance measures took place in 24 countries in 2015. The efforts focused on the western Balkans and North Africa as well as on Southeastern and Eastern Europe and the Middle East.

## 3.7.2 Frontex

### Background and general context

European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX)

Taking into account national competencies, FRONTEX coordinates the operational cooperation of the EU Member States at the external borders of the EU, supports the Member States as a “service provider” for training national border police officers for the purpose of standardisation, produces risk analyses and provides the Member States with technical and operational support, specifically through joint operations or other services (“EUROSUR”

information network, research and development, studies/recommended courses of action, etc.).

Critical to this work is the strict observance of basic and human rights, specifically legal provisions pertaining to refugees. Since 2013, the agency’s independent Fundamental Rights Officer and the Consultation Forum on Fundamental Rights have been tasked with ensuring that fundamental rights are preserved in all FRONTEX activities. The basis for this is an amendment to Regulation (EU) number 1168/2011/EU in 2011. In addition, an established, critical reporting, monitoring, and operation evaluations produce recommended courses of action for operations and training or, if necessary, consequences such as the suspension or termination of joint operations.

### Developments referring to the EU

#### Involvement in FRONTEX operations

In 2015, Germany sent Federal Police officers to participate in operations coordinated by FRONTEX for a total of approximately 5,000 working days. The focuses were Operation Western Balkan near the land border between Hungary and Serbia as well as Focal Point operations at external land and air borders of the EU. In addition, the Federal Police sent forty officers to the Frontex operation in the framework of the hot spot measures on the Greek islands. Based on bilateral agreements, the Federal Police supported the Serbian, Albanian and Slovenian border police forces in dealing with the significant increase in the number of refugees on the Balkan Route.

# 4 Irregular migration

## 4.1 Background and general context

Illegal migration to and unauthorized residence in Germany are managed by using preventive and migration control measures, such as during the visa process and securing external borders,<sup>40</sup> measures promoting returns/ to enforce an order to leave by deportation or removal, but also pragmatic responses to the situation of those residing illegally but who cannot be forced to leave. This includes issuing residence titles to those whose deportation has been suspended or facilitating access to education and health services for irregular migrants (Schneider 2012b).

It is obvious that the number of immigrants with unauthorized residency cannot be reliably determined; their number can only be estimated and extrapolated. “For some years now, the CLANDESTINO project has been providing qualified and methodical estimates of the number of third-country nationals who are illegally residing in Germany” (cf. Grote 2015: 16). The estimation method developed by the CLANDESTINO project suggests that 180,000 to 520,000 third-country nationals were residing unauthorized in Germany in 2014 and did not have any contact with the authorities (see table 2).

Illegal entry and illegal residence are crimes that are generally punishable by fine or imprisonment. Aiding and abetting any illegal entry/residence in exchange for financial gain or the promise of financial gain, or repeatedly, or on behalf of multiple foreign nationals is also punishable

by law. Those who become involved as a result of their profession or community work (specifically pharmacists, physicians, midwives, nurses, psychiatrists, pastors, teachers and social workers) are generally not considered accessory to the above-mentioned crimes, provided their actions were objectively limited to fulfilling their legal/ recognised duties (no. 95.1.4 of the General Administrative Regulation to the Residence Act).

Smuggling conducted by commercial or criminal organisations is punishable by imprisonment from six months up to ten years (section 96 subs. 2 no. 1 and 2 of the Residence Act). In case the smuggling results in the death of the person being smuggled, this is considered a criminal act punishable by imprisonment of not less than three years (section 97 subs. 1 of the Residence Act, and in case of a minor offense punishable by imprisonment between one and ten years related to section 97 subs. 3 of the Residence Act).

Unauthorized residing migrants also include those whose deportation has been suspended since they do not have a residence permit and are generally required to leave but cannot be deported for practical or legal reasons (section 60a of the Residence Act). The foreigner is to be issued with a certificate confirming the suspension of deportation. Persons whose deportation is suspended may take a job after three months provided that the Federal Employment Agency consents (section 32 sub. 1 of the Employment Ordinance). If the job belongs to a sector where labour is scarce or if the person has been residing in Germany for 15 months continuously and held a residence title, a certificate confirming the suspension of deportation or a residence permit during this time, the Agency’s consent may be waived (section 32 of the Employment

<sup>40</sup> For a detailed outline of measures taken by Germany to prevent irregular migration see Schneider 2012b and BAMF/EMN 2012: 45 et seq.

**Table 2: Unauthorized-staying third-country nationals in Germany (absconders and persons without prior contact with the authorities; estimates for 2010–2014)**

	2010	2011	2012	2013	2014
<b>Unauthorized migrants in Germany (absconders and persons without prior contact with the authorities)</b>	136,000–337,000	139,000–381,000	151,000–414,000	160,000–443,000	180,000–520,000

Source: Vogel 2015; Vogel/Aßner 2011; see also Grote 2015: 16

Ordinance). In addition, “well integrated young people and adolescents” as well as adult persons whose deportation has been suspended and who are “well integrated” can be issued with a residence permit under certain conditions (sections 25a and 25b of the Residence Act).

External controls (e. g., on the visa process and external border controls, see chapter 3.7), as well as a system of internal controls on residence permits are part of the German system for managing migration and preventing irregular migration (Deutscher Bundestag 2011). One of the core requirements for the issuance of visas by a German diplomatic mission is the willingness of applicants to return to their countries of origin before the visa expires. Additionally, there are control mechanisms that run through exchanging data, inspecting workplaces, cooperating closely with other authorities, and requiring public offices to report relevant information.

At the national level, special importance is placed on the Joint Analysis and Strategy Centre for Illegal Immigration (GASIM), which gathers and analyses data on irregular migration and related types of crime provided by the participating authorities<sup>41</sup> with the aim of generating information, analysis, a basis for strategy and early warning signs. The Federal Police obtains information abroad by using border police liaison officers and enlisting document and visa experts in selected countries of origin/transit for migrants who have entered Germany illegally. The same applies to liaison staff and liaison officers from the Federal Office in selected EU Member States and third countries. Another component of gaining knowledge is the cooperation with FRONTEX and the European Police Office (Europol) to develop or transmit periodic and/or topic-specific joint evaluation products.

The Federal Police, the border police authorities of the federal Länder of Bavaria and Hamburg, and the Federal Customs Administration recorded a total of 57,092 individuals entering Germany illegally in 2014 (2013: 32,533) pursuant to section 95 subs. 1 no. 3 and subs. 2 no. 1a of the Residence Act (BKA 2015a: 5). This includes, for example, persons who entered Germany without a passport or passport substitute pursuant to section 3 sub. 1 of the Residence Act or without the residence title

required in section 4 of the Residence Act. 1,481 persons (2014: 2,967) were removed within six months in 2015 after having illegally entered Germany, and 8,913 persons (2014: 3,612) were refused entry at the border (Deutscher Bundestag 2016c: 1 et seq.; concerning deportations see chapter 5.2.2).

## 4.2 National developments

### Residence permits for those whose deportation has been suspended

On 1 August 2015, the Act on the redefinition of the right to stay and the termination of residence entered into force. It included provisions which make it easier to grant a residence permit to people whose deportation has been suspended. Section 25a of the Residence Act now provides, amongst others, that “well integrated young people and adolescents” shall be granted a residence permit after four years of permanent residence in the Federal Territory and generally four years of school attendance or recognised secondary school qualification (see Grote/Vollmer 2016: 23 et seq.).

Section 25b of the Residence Act is new. It provides that a person whose deportation has been suspended shall be granted a residence permit if s/he “has become integrated lastingly into the living conditions of the Federal Republic of Germany” (section 25b subs. 2, first sentence of the Residence act). This residence permit is granted for a maximum of two years. As a rule, the person whose deportation has been suspended must have been “resident in the federal territory for at least eight years or, if he or she has been living together with a minor unmarried child in a single household, for at least six years without interruption, either lawfully or by virtue of his or her deportation having been suspended or by holding permission to stay in the federal territory” (section 25b subs. 1, second sentence, no. 1 of the Residence Act). Furthermore, the applicant’s existence must be secured largely by his or hers employment,<sup>42</sup> s/he must have sufficient oral command of the German language at A2 level, s/he must have basic knowledge of the legal and social system as well as the living conditions in the federal territory and s/he must prove school attendance in case of children of school age

41 The following authorities are involved in GASIM: the Federal Police, the Federal Criminal Police Office, the Federal Office for Migration and Refugees, the Financial Control of Undeclared Employment (Finanzkontrolle Schwarzarbeit – FKS) of the Federal Customs Administration, the Federal Intelligence Service, the Federal Office for the Protection of the Constitution and the Foreign Office.

42 Under certain circumstances, students, apprentices, families with minor children, single parents with minor children or persons who take care of near relatives who are in need of care may temporarily touch social security benefits (section 25b subs. 1, third sentence of the Residence Act).



(section 25b subs. 1 nos. 2–5). Under certain conditions, the spouse, the partner and the unmarried minor children of the relevant person shall be granted a residence permit, provided that they live as a family unit (see section 25b subs. 4 of the Residence Act). If, however, the person in question delays or prevents the termination of his or her residence by wilfully giving false information, deceived the authorities about his or her identity or nationality, no residence permit shall be granted. In case of certain criminal offences, no residence permit shall be granted either (see section 25b subs. 2 in conjunction with section 54 subs. 1 and section 2 nos. 1 and 2 of the Residence Act).

Persons whose deportation has been suspended, who are lastingly integrated and who have been issued with a residence permit pursuant to section 25b subs. 1 of the Residence Act may have a right to family reunification, provided that the general preconditions for the entry of the families are met and that the spouse or children re-join the family member in Germany on humanitarian grounds, for reasons of international law or in order to safeguard political interests of Germany. Section 29 subs. 3 of the Residence Act was amended accordingly (DRK 2015: 3).

#### Shortening the residence permit for those whose deportation has been suspended from six to three months

The Act on the Acceleration of Asylum Procedures, which entered into force on 21 October 2015, reduced the period for which a deportation may be suspended by the highest authorities of the federal Länder without having reached an understanding with the Federal Ministry of the Interior from formerly six to three months (section 60a subs. 1 of the Residence Act).

#### One year of tolerated stay in case of a qualified vocational training

Pursuant to the Act on the redefinition of the right to stay and the termination of residence, deportation may be suspended for one year if a foreigner starts or has started qualified vocational training in Germany before attaining the age of 21. The residence permit shall be extended by one year as long as the training continues (section 60a subs. 2 of the Residence Act). However, this provision does not apply to migrants from safe countries of origin.

#### Forged and falsified border crossing documents

In 2015, the Federal Police discovered 4,973 individuals with forged or falsified border crossing documents. 3,357 of them also committed identity fraud. Almost half of the individuals came from Somalia, Syria and Iran.

#### Anonymous health insurance cards for irregular migrants

An anonymous medical certification is designed to enable irregular migrants to receive medical treatment in the federal Länder without being forced to rely on volunteer, free, cheaper and/or donation based medical services or having to apply for a medical certification from the proper social welfare provider as it was previously the case (for an overview of the medical treatment of irregular migrants in Germany see Mylius 2016). While medical staff, including administrative staff at state hospitals, pharmacists and members of the healing professions are covered by doctor-patient confidentiality and may not pass on patient data to the foreigners authorities apart from exceptional cases (see Medical Association of North Rhine 2015), employees of social welfare providers are required to report the illegal migrant to the foreigners authority, which could result in the deportation of the respective individual. That is why illegal migrants often avoid or put off getting necessary medical treatment, which, according to the German Medical Association (Bundesärztekammer, BÄK) can lead “to illnesses being aggravated or becoming chronic” (BÄK 2013).

Due to this, the federal Land Government of Lower Saxony run by the Social Democratic Party and Alliance 90/The Greens started plans in the middle of 2014 for a pilot project to introduce the anonymous medical certificate card in Göttingen, which were initially also supported by the Christian Democratic and Free Democrat opposition parties (HAZ 2014). Based on the results of the pilot project in Göttingen, the federal Land Government decided in 2015 to start a three-year pilot project for the introduction of an anonymous medical certification, which will be issued centrally by the medical refugee service at Göttingen.<sup>43</sup> The pilot project started in mid-January 2016; overall, EUR 1.5 million are earmarked for medical treatment expenses (Höland 2016a) and EUR 120,000 for “legalisation advice” (Höland 2016b). While representatives of the federal Land Government praised the project as “another component of participation-oriented migration policy” (SPD), the federal Land section of the CDU criticised it as a “disastrous signal for irregular migrants” (Höland 2016a).

43 Medizinische Flüchtlingshilfe Göttingen e. V.: [www.mfh-goe.org](http://www.mfh-goe.org).

#### Proposal for legalising irregular staying immigrants as of a certain date

On 25 March 2015, Guntram Schneider, the Social Democratic Minister of Labour, Integration and Social Affairs in North Rhine-Westphalia, proposed a campaign to legalise the residence status of irregular migrants who were living in Germany as of a certain date. Federal Minister of the Interior Thomas de Maizière (CDU) rejected the proposal and said “this way was fundamentally unsuited to manage immigration”. In addition, legalisation would “create massive new incentives for illegal migration” (Sanchez 2015).

### 4.3 Developments referring to the EU

See chapters 3.7 and chapter 5.



# 5 Return migration

## 5.1 Background and general context

Return policy is a control instrument in migration policy. It aims at making those who have no right of residence leave the Federal or European Union territory. Return policy includes measures to promote voluntary return/onward migration, reintegration and readmission by the respective country of origin as well as measures of forced return (e.g. refusal of entry, removal or deportation). Voluntary return takes precedence over forced return, as set forth both in national law (see, for example, section 58 subs. 1 of the Residence Act) and in various EU directives and regulations (e.g. Directive 2008/115/EC on return).

For voluntary return/onward migration, Germany launched the REAG programme funded by the Federal Government and the federal Länder in 1979 and expanded it to include GARP in 1989.<sup>44</sup> The REAG/GARP programme is the most important programme for the promotion of voluntary return. In addition to paying travel costs, it offers travel assistance and if applicable also start-up aid for reintegration, with the amount of the assistance depending on the country of origin. In 2015, asylum seekers, rejected asylum seekers, recognised refugees, civil war refugees, irregular migrants and victims of forced prostitution or human trafficking were eligible for different benefits under REAG/GARP. Nationals from European third countries, i.e., non-EU Member States, from which the Federal Territory can be entered without a visa and whose nationals entered Germany after being exempted from the visa requirement (in particular countries in the western Balkans and the Republic of Moldova), are only eligible for travel costs but not for travel or start-up assistance. This does not apply to victims of human trafficking, who can receive support under the REAG/GARP programme even if they are from EU Member States or EU third countries with no visa requirements.

In addition, there are numerous transnational, Federal, federal Land and local projects to promote return to and reintegration in the country of origin and offer support in

addition to and beyond REAG/GARP (for a list of the relevant players see Grote 2015). The European Reintegration Instrument Network (ERIN) is one example of an international return and reintegration project in which Germany participates. “ERIN is a joint return and reintegration project of seven European partner states (the Netherlands, Belgium, Germany, Finland, France, the United Kingdom, Northern Ireland and Norway as a non-EU country). The network is led by the Netherlands, and offers reintegration assistance for voluntary returnees and persons who have been forcibly returned to their country of origin by way of social and occupational assistance that is provided through contract partners in the respective countries. Reintegration benefits for returnees from Germany are available for Afghanistan, Iran, Nigeria, Pakistan and Somalia” (Grote 2015: 40).

In addition to measures supporting voluntary return, there are a number of ways for the authorities to enforce the required departure, namely removal and deportation. Removal and deportation put a stop to the foreigner's residence in Germany. Pursuant to section 57 of the Residence Act, a removal takes place if the foreigner has already entered German territory and intercepted in the vicinity of the border. A removal can only take place if the foreigner has not applied for asylum and if deportation is not prohibited. If the foreigner entered Germany illegally from another EU Member State, s/he will be removed to that state.

In contrast to removal, deportation is not an immediate response to illegal entry. It requires that the termination of residence is enforceable and that the respective person has not voluntarily left the country during the granted period or that supervision of the departure appears necessary. The requirement to leave is enforceable if the period granted for departure has passed and no appeal which stays deportation is possible against the refusal to grant a residence permit or the rejection of an asylum application.

Expulsion is another instrument which terminates a foreigner's stay in the Federal Territory and may result in forced returns; however, the termination of residence is not used as a measure to enforce migration policies. Rather, this instrument is used to expel foreigners who might endanger public order and safety or the interests of

<sup>44</sup> REAG: Reintegration and Emigration Programme for Asylum-Seekers in Germany; GARP: Government Assisted Repatriation Programme; for more details on REAG/GARP and other transnational, federal, state and local return programmes see Grote 2015.

the Federal Republic of Germany. It is the expulsion which leads to the loss of the residence title, not the other way round. A deportation order (section 58a of the Residence Act and section 34a of the Asylum Act) is an even stronger instrument under German residence law. It permits the supreme State authorities or the Federal Ministry of the Interior to deport a foreigner “in order to avert a special danger to the security of the Federal Republic of Germany or a terrorist threat” (section 58a subs. 1 and 2 of the Residence Act) and take him or her ultimately into custody. In addition, expulsion, deportation and removal result in a ban on entry and residence pursuant to section 11 of the Residence Act. If a foreigner is to be deported to a safe third country or to a country responsible for processing the asylum application, the Federal Office for Migration and Refugees shall order his or her deportation to this country as soon as it has ascertained that the deportation can be carried out (section 34a subs. 1, first sentence of the Asylum Act).

In order to facilitate measures which end residence the Federal Government has signed readmission agreements with several countries of origin specifying the obligation to readmit their own nationals. Furthermore, the agreements signed in recent years typically include a requirement, under certain conditions, to admit and transfer those required to depart who are not nationals of one of the respective contracting parties (third-country nationals and stateless persons).<sup>45</sup>

In addition, Germany participates in several exchange and cooperation networks in the area of forced returns. The EURINT network, which consists of 21 EU Member States, and Frontex are two examples. The Federal Police participates on behalf of Germany.

## 5.2 National developments

### Coordination Agency for ‘Integrated Return Management’ of the Federal Government and the federal Länder

Following the Joint Declaration of the Ministers and Senators of the Interior, the Federation-Länder Coordination Agency for Integrated Return Management (Bund-Länder-Koordinierungsstelle zum Integrierten Rückkehr-

management, BLK-IRM) was set up at the Federal Office for Migration and Refugees at the end of 2014. This Agency shall improve the coordination of voluntary and forced return measures and the cooperation between the Federal Government and the federal Länder and thus to contribute to a greater coherence of the return policy. In addition, the mandate of the Agency also covers Dublin transfers to other EU Member States.

The Agency presented its first report with recommendations on amendments to practical return measures to the Ministries of the Interior of the federal Länder at the conference in Mainz on 25 and 26 June. It proposed, among other things, to create a closer connection between voluntary returns and expulsions in public relations work, to create standardized procedures for the issuance of passport substitutes and to centralise the procedures for terminating residence. In addition, it suggested taking a well-structured stance against uncooperative countries of origin and improving cooperation with doctors who judge whether the foreigners are fit for travel.<sup>46</sup> The Ministries of the Interior of the federal Länder, apart from that of Rhineland-Palatinate, asked the Agency to examine the implementation of these measures (IMK 2015: 22). The next Agency report will be presented to the Conference of the Ministers and Senators of the Interior in spring 2016.

### Revision of the right of expulsion

The Act on the redefinition of the right to stay and the termination of residence, which came into effect on 1 August 2015, amends the provisions concerning expulsions set out in sections 53–56 of the Residence Act. The three-tier expulsion system was replaced by a provision which requires the foreigners authorities to find a balance between the foreigner’s interest in staying in Germany and the state’s interest in expelling him or her in the individual case. Until 1 August 2015, the law distinguished between mandatory expulsion, regular expulsion and discretionary expulsion, which permitted or obliged the authorities to respond to threats to public order and safety. There were also provisions on special protection from expulsion. The new provisions were adapted in response to court decisions which had increasingly criticised the former expulsion provisions (see also Marx 2015).

<sup>45</sup> A list of all readmission agreements can be found on the website of the Federal Ministry of the Interior: [http://www.bmi.bund.de/Shared-Docs/Downloads/DE/Themen/MigrationIntegration/AsylZuwanderung/RueckkehrFluechtlinge.pdf?\\_\\_blob=publicationFile](http://www.bmi.bund.de/Shared-Docs/Downloads/DE/Themen/MigrationIntegration/AsylZuwanderung/RueckkehrFluechtlinge.pdf?__blob=publicationFile) (31 Mar 2016).

<sup>46</sup> [http://www.bamf.de/SharedDocs/Anlagen/DE/Downloads/Infothek/Rueckkehrfoerderung/2014-bund-laender-koordinierungsstelle.pdf?\\_\\_blob=publicationFile](http://www.bamf.de/SharedDocs/Anlagen/DE/Downloads/Infothek/Rueckkehrfoerderung/2014-bund-laender-koordinierungsstelle.pdf?__blob=publicationFile) (24 Feb 2016).

### 5.2.1 Voluntary return

#### REAG/GARP return funding

A total of 35,514 approvals to fund voluntary return through the REAG/GARP programme were issued in 2015. Compared with the previous year, this is an increase of about 242% (10,375 funding approvals in 2014). Figure 3 shows that the majority of approvals were for nationals of Albania (absolute: 11,378, i.e., approx. 32% of all approvals) and Kosovo (8,026, approx. 23%). Other important returnee groups were nationals from Serbia (6,155: 18%), Former Yugoslav Republic of Macedonia (2,910; about 8%) and Bosnia and Herzegovina (1,699, about 5%).

Due to the high rise in asylum seekers, on 26 February 2015, it was decided to grant only travel expenses, but not travel or start-up assistance to Kosovar nationals who had entered Germany after 31 December 2014. The same restrictions have applied to nationals of western Balkan countries since the visa requirement for entry was lifted.

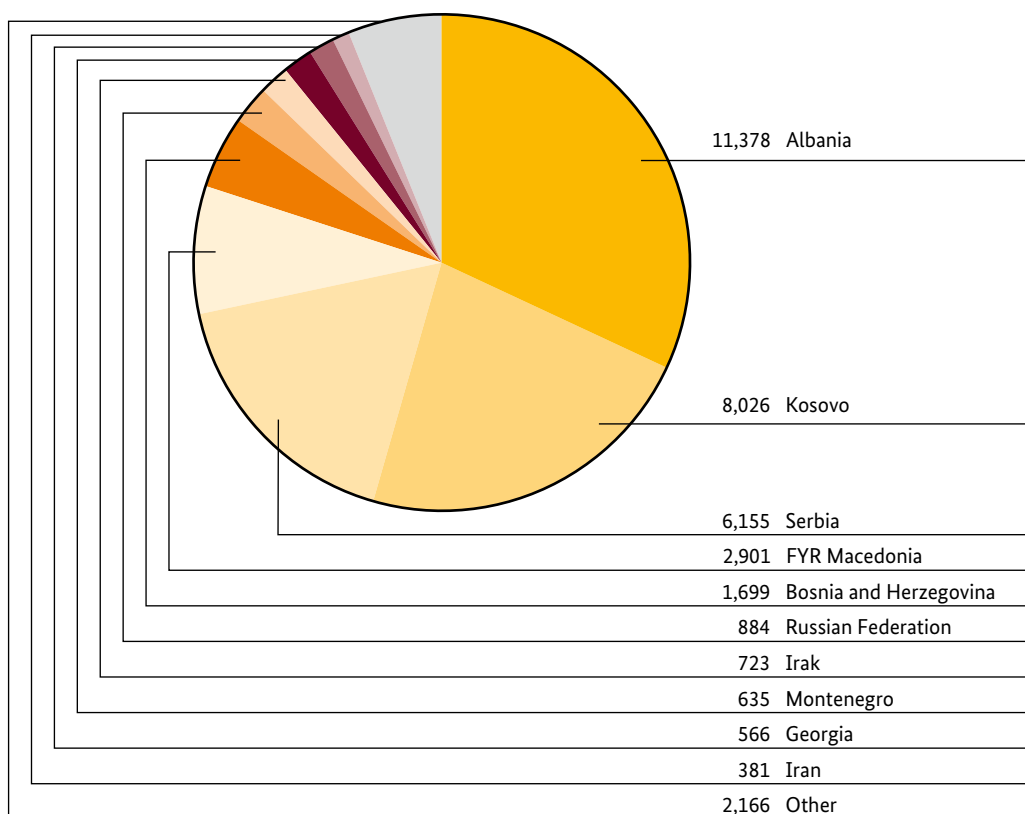
#### Guidelines for return counselling

The 'Voluntary Return' working group of the Coordination Agency for 'Integrated Return Management' of the Federal Government and the federal Länder (see above), which consists of representatives of the Federal Office for Migration and Refugees and of the State institutions responsible for voluntary returns, prepared and released guidelines for return counseling in April 2015. The goal is to create uniform standards and goals for return counseling, which should start during the asylum procedure and take into account the specifics of the individual case. At the same time, the counselling should be objective and not geared towards a specific result while taking into account the foreigner's residential status.<sup>47</sup>

47 [http://www.bamf.de/SharedDocs/Anlagen/DE/Downloads/Infothek/Rueckkehrfoerderung/leitlinien-zur-r%C3%BCckkehrberatung.pdf?\\_\\_blob=publicationFile](http://www.bamf.de/SharedDocs/Anlagen/DE/Downloads/Infothek/Rueckkehrfoerderung/leitlinien-zur-r%C3%BCckkehrberatung.pdf?__blob=publicationFile) (24 Feb 2016).

Figure 3: REAG/GARP funding approvals for 2015

Total: 35,514



Source: IOM Germany

**Table 3: Number of enforced deportations, removals, and refusals of entry (2011-2014)**

	2011	2012	2013	2014	2015
<b>Deportations</b>	7,917	7,651	10,198	10,884	20,888
<b>Removals</b>	5,281	4,417	4,498	2,967	1,481
<b>Refusals of entry</b>	3,378	3,829	3,856	3,612	8,913

Source: Deutscher Bundestag 2012, 2013, 2014c, 2015i, 2016c

### URA 2 project in Kosovo

As follow-up to a return project supported by the European Commission between January 2006 and October 2008, the Federal Government started the 'URA 2' project in Kosovo in January 2009. The project is funded by the Federal Government in cooperation with several federal Länder (currently Baden-Württemberg, Lower Saxony, North Rhine-Westphalia, Saxony, Saxony-Anhalt and Thuringia). In 2016 the federal Länder of Berlin and Bremen joined the project as well. The project aims to make reintegration in the Republic of Kosovo easier for returnees and to improve the overall return management further. It offers social counselling, job placement services and psychological care for returnees. In 2015, social counselling was provided in 4,310 cases and financial assistance in 805 cases (2014: 234 cases of financial assistance).

### Integrated Reintegration in Iraq (Autonomous Kurdistan Region)

On 1 June 2015, the Federal Office for Migration and Refugees and IOM started the project 'Integrated Reintegration in Iraq (Autonomous Kurdistan Region – ARK)'. Within the project voluntary returns and reintegration of returnees to the ARK are supported for persons who fulfil the conditions for support measures with the REAG/GARP programmes. Returnees may be supported in launching micro-businesses, in undergoing occupational training and in finding a home and a suitable school. In addition, specific assistance to particularly vulnerable persons can be provided. The project is co-financed by the Asylum, Migration and Integration Fund (AMIF).<sup>48</sup> The Federal Office and the IOM already conducted a reintegration project supported by the European Return Fund in this region between 2012 and 2015.

### Return programmes of the federal Länder, municipalities and of non-state actors

In addition to federal programmes for voluntary return, numerous federal Länder and municipalities as well as non-governmental organisations have launched further programmes, some of which focus on specific (particularly vulnerable) target groups, specific regions of origin or specific support measures or preparatory measures for returns (see Grote 2015).

### 5.2.2 Forced return

#### Statistics

In 2015, Germany carried out 20,888 deportations, 1,481 removals and 8,913 refusals of entry (for previous years see Table 3).

#### Accessing data of internet providers

The Act on the redefinition of the right to stay and the termination of residence entitles the authorities to request data from telecommunications providers (section 48a of the Residence Act) "to the extent which is necessary to establish the identity and nationality of the foreigner as well as to determine and enforce a return to another state [...] and in case this purpose cannot be met by less severe means" (section 48 subs. 3a). Before the Act entered into force, authorities were only allowed to analyse data carriers in the possession of the foreigner.

#### Readjustment of detention pending deportation and custody pending departure

The Act on the redefinition of the right to stay and the termination of residence also includes criteria for determining whether there is a risk of absconding and whether detention pending deportation may be imposed. Pursuant

48 <http://www.bamf.de/DE/Rueckkehrfoerderung/ProjektNordirak/projekt-nordirak-node.html> (26 Feb 2016).

to section 2 subs. 14 of the Residence Act, the following criteria suggest that there is a risk of absconding (within the meaning of section 62 subs. 3, first sentence, no. 5 of the Residence Act):

1. “the foreigner has evaded the authorities in the past by not just temporarily changing his or her place of residence without providing the responsible authority with an address where he or she can be reached, despite having been informed of the notification requirement,
2. the foreigner has deceived the authorities about his or her identity, particularly by hiding or destroying identity or travel documents or claiming a false identity,
3. the foreigner has refused or omitted to take mandatory action to determine his or her identity and the circumstances of the case suggest that he or she wants to actively counteract deportation,
4. the foreigner has paid substantial amounts to a third party as a fee for the third party’s actions pursuant to section 96 in order to achieve illegal entry, and these amounts are, in view of the circumstances, so significant for him or her that it can be concluded that he or she wants to prevent deportation so that the expenses were not in vain,
5. the foreigner has expressly declared that he or she will try to evade deportation, or
6. the foreigner has made other concrete preparations of similar weight in order to evade the upcoming deportation, and these preparations cannot be overcome by direct force.”

In addition, section 62b of the Residence Act introduced custody pending departure. Under this provision, a person whose deportation can be enforced can be taken into custody for up to four days after a court order to that effect if the period allowed for departure has expired and s/he has repeatedly omitted to take mandatory action or deceived the authorities about his or her identity.

### Unannounced deportations

The Act on the Acceleration of Asylum Procedures also amended section 59 subs. 1 of the Residence Act in order to make deportations easier. Since 21 October 2015, deportations may not be announced beforehand any more as it used to be the regular practice in some federal Länder.

### Return centres

In 2015, Bavaria established two return centres for asylum seekers from safe countries of origin within the meaning of section 29a of the Asylum Act. In order to facilitate later deportations, Bavaria no longer houses Balkan country nationals in the regular reception facilities for asylum seekers, but in separate facilities at Manching and Bamberg. The branch offices of the Federal Office in those cities handle only asylum applications filed by migrants from the western Balkans.

Churches, social associations and non-governmental organisations have criticised this measure, in particular the housing situation, the conditions for social counselling and the new, special procedure, which affects above all Sinti and Roma (Bayerischer Rundfunk 2016; Bayerischer Flüchtlingsrat 2015).

### New organizational unit for obtaining passports

On 5 November 2015, the leaders of the coalition parties (CDU, CSU and SPD) in Berlin and Potsdam decided – based on the existing clearing institution – to set up a new organisational unit, which shall be in permanent contact with the diplomatic missions of the countries of origin in order to convince them to readmit their citizens and issue the necessary passport substitute documents (CDU/CSU/SPD 2015: 3; Lohnse 2015b). The new organisational unit forms part of the national headquarters of the Federal Police.

### Task force on forced returns in the single federal Länder

In order to expand and facilitate deportations, numerous federal Länder have created so called ‘task forces for returns’, which usually form part of the Interior Ministries. The job of these task forces is to accelerate measures to terminate the stay in Germany, with a focus on medical obstacles for deportation (FAZ 2015).

### No extension of suspended deportations in winter

In contrast to the previous years, Thuringia and Schleswig-Holstein did not decide to suspend deportations in winter of 2015/16. These federal Länder had suspended deportations, particularly to the western Balkans, during the winter months in the previous years for humanitarian reasons (see BAMF/EMN 2015).

# 6 International protection and asylum

## 6.1 National asylum system

### 6.1.1 Background and general context

Residence on humanitarian or political grounds, or due to international law, is quantitatively amongst the most significant purposes of residence in Germany. The requirements for admitting foreign nationals suffering from political persecution as well as others seeking protection are set forth in Article 16a of the Basic Law, in sections 22–25 and 60 of the Residence Act and in the Asylum Act. The Federal Office for Migration and Refugees decides on whether or not to approve asylum applications.

Pursuant to section 13 subs. 2 of the Asylum Act, every application for asylum shall constitute an application for recognition of entitlement to international protection (refugee protection pursuant to the Geneva Convention and subsidiary protection) and to asylum pursuant to the Basic Law, unless the applicant expressly decides otherwise. In addition, the authorities shall determine ex officio pursuant to section 24 subs. 2 of the Asylum Act whether a deportation ban exists pursuant to section 60 subs. 5 or 7 of the Residence Act (see also Parusel 2010). A separate application for this examination can be filed with the responsible foreigners authority. However, pursuant to section 72 subs. 2 of the Residence Act the foreigners authority may only take this decision after consulting the Federal Office for Migration and Refugees. This ensures that the Federal Office's knowledge of the situation in the country of origin is taken into account in the decision.

The federal Länder are responsible for accommodating the asylum seekers and providing money and services in kind for their subsistence. In order to ensure a fair distribution of asylum seekers to the federal Länder, the quota of the individual States is determined on the basis of its number of inhabitants and its tax revenues ('Königstein key'). The federal Länder have created reception centres, to which individual branch offices of the Federal Office of Migration and Refugees are assigned. This is where the asylum application is filed. Most Federal Länder have transferred the responsibility for longer-term accommodation to the

local communities which either provide shared accommodation or decentralised accommodation in flats.

The basic benefits for asylum seekers are spelled out in the Asylum Seekers' Benefits Act (AsylbLG). Asylum seekers may not be gainfully employed during the first three months of their stay in Germany. Afterwards, the Federal Employment Agency may consent to their gainful employment, provided that no German or EU citizen or rightfully resident third-country national is available to fill the concrete job. After 15 months, asylum seekers have unlimited access to the labour market.

Since 1953, more than 4 million people have applied for asylum in Germany, of those more than 3 million since 1990. The number of applications reached a first peak in 1992 (438,191), followed by a sharp decrease in applications for asylum. After the all-time low of 19,164 first-time applicants in 2007, the number has been increasing again. In 2015, 441,899 first-time applications were registered, i.e. more than in the former record year 1992. This is an increase of 155.3% from the preceding year (173,072). A total of 476,649 first-time and subsequent applications for asylum were submitted in 2015. This is an increase of 135% in comparison to the previous year (2014: 202,834 applications for asylum).

### 6.1.2 National development

#### Development in the number of asylum applications

In 2015, the Federal Office for Migration and Refugees received 441,899 first-time asylum applications, i.e. 268,827 more than in 2014 (+155.3%). The number of asylum seekers increased for the eighth year in a row. As Table 3 shows, the increase originates from all main countries of origin apart from Serbia (-472 first-time applications; -2.7%) and Eritrea (-2,322 first-time applications; -17.6%). Increases were strongest for Syria (+119,325 first-time applications; +303.4%), Albania (+45,940 first-time applications; +584.1%), Kosovo (+26,519 first-time applications; 383.9%), Afghanistan (+22,267 first-time applications; +244.3%) and



Table 4: First-time asylum applications in 2013 and 2014, main countries of origin

	2014		2015		First-time applications for asylum, changes to the previous year in percentage	First-time applications for asylum, changes to the previous year, absolute figures
	First-time applications for asylum	Total applications for asylum	First-time applications for asylum	Total applications for asylum		
<b>Total</b>	<b>173,072</b>	<b>202,834</b>	<b>441,899</b>	<b>476,649</b>	<b>155.3%</b>	<b>268,827</b>
<b>Syria</b>	39,332	41,100	158,657	162,510	303.4%	119,325
<b>Albania</b>	7,865	8,113	53,805	54,762	584.1%	45,940
<b>Kosovo</b>	6,908	8,923	33,427	37,095	383.9%	26,519
<b>Afghanistan</b>	9,115	9,673	31,382	31,902	244.3%	22,267
<b>Iraq</b>	5,345	9,499	29,784	31,379	457.2%	24,439
<b>Serbia</b>	17,172	27,148	16,700	26,945	-2.7%	-472
<b>Unclear</b>	3,421	3,678	11,721	12,166	242.6%	8,300
<b>Eritrea</b>	13,198	13,253	10,876	10,990	-17.6%	-2,322
<b>FYR Macedonia</b>	5,614	8,906	9,083	14,131	61.8%	3,469
<b>Pakistan</b>	3,968	4,226	8,199	8,472	106.6%	4,231

Source: Federal Office for Migration and Refugees. The order is based on the 10 countries of origin with the highest figures in 2015

Iraq (+24,439 first-time applications; +457.2%), with the percentage increase highest for Albania, Iraq and Kosovo.

The main countries of origin of asylum seekers in 2015 were Syria, Albania, Kosovo, Afghanistan, Iraq, Serbia, Eritrea and the Former Yugoslav Republic of Macedonia.

The overall protection rate increased markedly from 31.5% to 49.8% in comparison to the preceding year. Both the absolute number of those receiving protection status and the percentage of asylum seekers eligible for protection rose compared to last year: 137,136 persons were either eligible for asylum under Article 16a of the Basic Law or recognised as refugees under the Geneva Convention relating to the status of refugees (33,310 in 2013). Subsidiary protection was granted to 1,707 persons (5,174 in 2014), and national deportation bans were established in 2,072 cases (2,079 in 2014).

The countries of origin with the highest protection rate amongst asylum seekers in 2015 were Syria (96.0%), Eritrea (92.1%) and Iraq (88.6%). The majority of those coming from Syria, Iraq, Afghanistan and Eritrea received refugee protection under the Geneva Convention, while subsidiary protection played only a subordinate role. Owing to the civil war in Syria that has been escalating since January 2012 the Federal Office has been generally granting refugee protection to asylum seekers from Syria. Out of 105,620

nationals from Syria, 101,137 were considered eligible for asylum or refugee status in terms of the Geneva Convention while 61 persons were granted subsidiary protection. National deportation bans were established for another 221 persons from Syria.

#### Change of the Act on the Acceleration of Asylum Procedures (AsylVfG) into the Asylum Act (AsylG)

With the entry into force of the Act on the Acceleration of Asylum Procedures on 24 October 2015, the Asylum Procedure Act (AsylVfG) was renamed Asylum Act (AsylG) (see chapters 2.2 and 7.1.2 for more detailed information on the related legal changes).

#### Residency requirement

With the Act on the Acceleration of Asylum Procedures entering into force on 24 October 2014, the loosening of the residency requirement since 1 January 2015 was partially revised again. As before, the residency requirement to the district of the responsible foreigners authority “shall expire when the foreigner has resided in the federal territory for three months without interruption, either lawfully or by virtue of his or her deportation having been suspended or by holding permission to stay in the federal

territory” pursuant to section 59a subs. 1, first sentence of the Asylum Act. Under the amendment, the residency requirement shall remain in force for asylum seekers who are obliged to live at a reception centre (section 59a subs. 1, second sentence of the Asylum Act). This applies to asylum seekers from safe countries of origin within the meaning of section 29a of the Asylum Act during the asylum procedure or, if their application is rejected, during the complete period of their stay in the Federal Territory. In all other cases, this provision applies for six months at most (see below).

#### Capacity to act in matters pertaining to residence and asylum

The Act on the Acceleration of Asylum Procedures raised the minimum age for the ability to act in matters pertaining to residence and asylum to 18 years. Before, it was at 16 years, meaning that minors were able to take legally effective action, such as submitting an asylum application, without the consent of their legal representative. Human-rights organisations had criticised this provision repeatedly, particularly with regard to the impact on the situation of unaccompanied minors (see also Müller 2014).

#### Extension of the list of safe countries of origin

Already on 24 February 2015, Bavaria presented a draft bill in the second chamber of the Federal Parliament (the Bundesrat) which foresaw that Albania, Montenegro and Kosovo should be classified as safe countries of origin. Since the bill did not get the necessary majority in the Bundesrat at the time, it was not passed on to the first chamber (the Bundestag). Though, at the initiative of the Federal Government, the Bundestag eventually declared Albania, Kosovo and Montenegro safe countries of origin in the Act on the Acceleration of Asylum Procedures on 15 October 2015.

#### Prolongation of the residence in reception centres

In order to reduce the length of the procedure, the Act on the Acceleration of Asylum Procedures increased the maximum period of residence in a reception centre from three to six months (section 47 subs. 1 of the Asylum Act). There is no maximum period of residence for asylum seekers from safe countries of origin; they are obliged to remain at a reception centre until their asylum procedure is completed or, if their application is rejected, until their departure (section 47 subs. 1a of the Asylum Act).

#### Changes in the provision of support measures for asylum seekers

As parliament thought that support measures for asylum seekers were one of the reasons for the increase in the number of asylum applications, the Act on the Acceleration of Asylum Procedures established that support measures in kind took precedence over in cash benefits during the time of residence at a reception centre. Section 3 subs. 1 of the Asylum Seekers’ Benefits Act was therefore amended accordingly. The amendments took effect on 24 October 2015.

Ahead of this tightening of the provisions, Bavaria, among others, had taken steps to reduce support measures to asylum seekers to the bare minimum for nationals of the countries declared as safe countries of origin in Annex II to section 29a of the Asylum Act (or the Asylum Procedures Act, as it was called at the time) (Bundesrat 2015d). However, this proposal was not successful, and the provisions were ultimately tightened by obliging asylum seekers from so-called safe countries of origin to remain at the reception centres for an unlimited period of time. As a result, they are entitled to support measures in kind rather than in cash.

On 1 March 2015, new provisions concerning the benefits to asylum seekers entered into force, with the Bundesrat stating that benefits in kind should take precedence over in cash benefits during the period of residence at a reception centre (section 3 subs. 2 of the Asylum Seekers’ Benefits Act; see also BAMF/EMN 2015: 52 et seq.).

#### Re-entry bans in case of manifestly ill-founded asylum applications

The Act on the redefinition of the right to stay and the termination of residence, which took effect on 1 August 2015, amended section 11 of the Residence Act. The Federal Office for Migration and Refugees is now able to enact a temporary re-entry ban if an asylum application is rejected as manifestly ill-founded. This measure is part of the strategy to reduce the number of asylum applications from nationals of the safe countries of origin in the western Balkans, as these applications are rejected as manifestly ill-founded ex officio.

In addition, the Federal Office was tasked with enacting a temporary ex-officio ban on entry and residence in Dublin procedures which foresee the transfer of a third-country national to another EU Member State.



The ban on re-entry and residence pursuant to section 11 subs. 1 of the Residence Act takes effect by law as soon as the third-country national is deported (or leaves Germany due to an expulsion or removal). As a result, a ban on entry and residence need not be mentioned specifically either in the Dublin procedure or due to any other rejection notifications which include a deportation warning or order; only the time limit for the ban on entry and residence must be fixed at the discretion of the Federal Office.

#### Administrative cooperation between the federal Länder

With the Act on the Acceleration of Asylum Procedures section 45 subs. 2 was newly introduced to the Asylum Act in order to enable cooperation between the federal Länder in case of reception bottlenecks. This enables two or more federal Länder to agree “that asylum seekers who should be received by one federal Land under the quota system can be received by another federal Land” (section 45 subs. 2 of the Asylum Act).

#### Changes in the registration procedure of asylum seekers

On 15 December 2015, the Federal Government introduced a draft bill on the registration of asylum seekers to the Bundestag and created a legal basis for the arrival certificate by introducing section 63a into the Asylum Act. This document makes it easier to register newly arrived asylum seekers by making the data for registration and for issuing the arrival certificate in an accessible database for all participating authorities – i.e. the Federal Office, the reception centres, the border police forces and the foreigners authorities (BAMF 2015e). This streamlines the procedure as asylum seekers will need to be registered only once and not by every participating authority. At the same time, the arrival certificate is a precondition for receiving full benefits available under the Asylum Seekers' Benefits Act. The act came into force on 6 February 2016. The Bundestag adopted the bill on 14 January 2016. A trial run of the arrival certificate procedure started at the end of December 2015 at four branch offices of the Federal Office (Berlin, Heidelberg, Bielefeld and Zirndorf; BAMF 2015e).

#### Reform of the administrative courts

With the Act on the Acceleration of Asylum Procedures, a legal basis for the federal Länder was created to enact statutory instruments specifying that administrative courts specialise on certain countries of origin in the area of asylum law and can take on cases from the districts of

other administrative courts (section 83 of the Asylum Act). The federal Land of Brandenburg had already introduced a similar bill in the Bundesrat on 14 September 2015, but then retracted it and pointed to the Act on the Acceleration of Asylum Procedures introduced by the Federal Government (Bundesrat 2015e).

A proposal by the federal Land of Saxony also aimed at reforming the administrative court structure. As the administrative courts are increasingly under pressure from a rising number of appeals against rejections of asylum applications, the federal Land planned that judges should already during their time on probation decide as single judges on easier asylum cases. The proposal was sent on to the Committee for Internal and Legal Affairs (Bundesrat 2015f).

#### Simplification of construction the shelters for asylum seekers

Pursuant to the Act on the Acceleration of Asylum Procedures, the federal Länder and the reception authorities of each federal Land may waive certain construction requirements when building new shelters for asylum seekers. For this purpose, construction planning law and the Renewable Energy in Heating Act were amended.

#### Financial discharge of the federal Länder and municipalities

The Federal Government and the federal Länder already agreed in December 2014 that the Federal Government would provide an additional EUR 500 million to the federal Länder and the local authorities in 2015 for dealing with the challenges related to the reception of asylum seekers. If application figures remain high, another EUR 500 million are earmarked for 2016 (Bundesrat 2015g). The money is to be spent on admission/reception, accommodation, and provision for asylum seekers and on an adequate reception system for unaccompanied minors. On 21 May 2015 and on 12 June 2015, the Bundestag and the Bundesrat respectively adopted the new act on promoting investment by financially weak local authorities and on easing the burden on federal Länder and local authorities resulting from the reception and accommodation of asylum seekers. The new act on the creation of a special “fund for promoting local investment” is at the core of the new legal provisions. Via this fund, the Federal Government will provide the promised money. A supplementary budget for 2015 was adopted for this purpose.

In addition, the Act on the Acceleration of Asylum Procedures amended the distribution of VAT revenues in order to ease the burden on the federal Länder and the

municipalities further. Moreover, the Federal Government topped up its investments in social housing in order to fulfil the additional need of affordable housing stemming from asylum migration.

#### Changes in the access to the labour market for asylum seekers

In connection with the adoption of the Act on the Acceleration of Asylum Procedures, the Federal Government eased the prohibition on temporary work for asylum seekers and persons whose deportation has been suspended.<sup>49</sup> As a result, skilled workers whose deportation has been suspended or who have been issued with a permission to stay may be employed as temporary workers after three months. The waiting period for unskilled workers is 15 months (section 32 subs. 5 of the Employment Ordinance).

At the same time, the Act on the Acceleration of Asylum Procedures banned asylum seekers from safe countries of origin within the meaning of section 29a of the Asylum Act who submitted their asylum application after 31 August 2015 from taking up paid employment (section 61 subs. 2 of the Asylum Act).

#### Reform proposals of the opposition parties

In 2015, the opposition parliamentary parties of Alliance 90/The Greens and DIE LINKE (The Left) introduced several proposals for a reform of the asylum law.

In order to reduce work at the Federal Office, the fraction of Alliance 90/The Greens suggested that the revocation examination pursuant to section 73 subs. 2a of the Asylum Act should be abolished claiming that less than 3% of all re-examinations of asylum decisions or decisions on international protection were revoked. The group suggested that the Federal Office should use its capacities rather for examining and processing asylum applications. The proposal was supported by the fraction of DIE LINKE, but failed due to the resistance of the government fraction (Deutscher Bundestag 2015j: 15489).

Two other proposals introduced by Alliance 90/The Greens and DIE LINKE said that those provisions on criminal offences and fines in the area of asylum and residence law should be abolished which could only apply to non-German nationals and that illegal entry should no longer be a crime. Among other things, the proposal by Alliance 90/

The Greens includes the abolishment of sections 84–86 of the Asylum Act which foresee that violations of asylum law provisions, in particular of the residence requirement and incitement to submit fraudulent applications for asylum, can be punished by imprisonment or a fine (Deutscher Bundestag 2015k). The DIE LINKE fraction called on the Bundestag to make illegal entry no longer a crime (Deutscher Bundestag 2015l).

#### Prioritising asylum applications by Kosovars

In order to reduce the number of asylum applications by Kosovars, which jumped at the beginning of 2015, but were mostly rejected, applications from Kosovar nationals were bundled at the branch offices of the Federal Office in Bavaria and Baden-Württemberg as well as at Karlsruhe and Braunschweig and given priority treatment. Applications which were manifestly unfounded were to be rejected within 14 days if possible, thus, sending a signal which should hopefully result in a decline in the number of applications from Kosovars (Bröker 2015: 2). This measure had an effect during the remainder of the year; the number of applications submitted by Kosovars fell indeed palpably.

#### Accelerated asylum procedure by introducing written procedure

Since 26 June 2015, the Federal Office has also conducted an accelerated asylum procedure for Eritrean nationals. Under this procedure, no interview needs to take place; instead, the applicants must summarise the reasons for their flight in writing. The procedure requires that the asylum application is limited to refugee status, that there are no doubts about the identity of the applicant and that Germany is responsible for the asylum procedure pursuant to the Dublin III Regulation. Similar accelerated procedures are also used for applicants from Syria and for Christians, Mandaeans and Yazidis from Iraq. Owing to public criticism of the accelerated procedure and security concerns, the standard procedure including an interview was reinstated for these countries of origin as of 1 January 2016.

#### Changes in processing the asylum applications

In order to be able to handle the increase in the number of asylum applications, the Federal Office implemented numerous changes, some of them in consultation with the federal Länder. The Federal Office will employ 4,000 additional staff by end-2016. Once the recruitment procedure is completed, the Office will employ c. 7,300 staff.

<sup>49</sup> BGBl I, no. 14 of 27 October 2015, pp. 1789–1791.

Figure 4: Active facilities of the Federal Office for Migration and Refugees as of 31 December, 2015



Source: Federal Office for Migration and Refugees

In addition, the procedures were overhauled in cooperation with the federal Länder. The Federal Office and the federal Länder of Bavaria, Baden-Württemberg and Lower Saxony established so called Reception Centres at Heidelberg, Bad Fallingbommel, Manching and Bamberg. Applications of migrants from safe and particularly unsafe countries of origin are processed there as they make it possible to streamline the decision procedure. If possible, decisions are to be taken within 48 hours. Based on these pilot projects, the procedure is to be introduced in all federal Länder in the course of 2016 (see Figure 4). In addition, the Federal Police established so-called processing lines at Rosenheim, Passau and Deggendorf in order to quickly register asylum seekers who entered Germany via the Bavarian borders (Winterer 2015; Bayerischer Rundfunk 2015; Decker 2015).

#### Attacks on Refugees and refugee shelters

The Federal Criminal Police Office registered a peak in the number of attacks on refugees and refugee shelters in 2015 (see chapter 2.2).

### 6.1.3 Developments referring to the EU

#### Suspension of Dublin transfers

In order to prevent a humanitarian crisis, the Federal Government suspended the Dublin transfers for asylum seekers who came to Germany from Hungary and Austria on 4 September 2015. Furthermore, the Federal Office for Migration and Refugees has not transferred asylum seekers from Syria to other EU Member States since 21 August 2015.

#### Transfers in other Member States

On 12 January 2015, the Federal Minister of the Interior prolonged the suspension of transfers of asylum seekers to Greece by another year, i.e. until 12 January 2016. The Federal Office for Migration and Refugees has not transferred any asylum seekers to Greece under the Dublin Procedure since 16 December 2013. Instead, it has invoked the sovereignty clause as ordered by the Federal Ministry of the Interior (BAMF 2015f: 7).

Germany transferred 3,597 persons to other states in 2015 under the Dublin Regulation, most of them to Italy (861), Poland (556) and France (427). Germany made 44,892 transfer requests to other Member States in 2015, while the number of transfer requests from other Member States to Germany was 11,785.

#### Detention to secure deportation in conjunction with transfers to other Member States

In response to the rulings of the Federal Court of Justice (Bundesgerichtshof, BGH) concerning detention to secure deportation to other Member States the Bundestag changed the preconditions for detention in the framework of the Act on the redefinition of the right to stay and the termination of residence. The Federal Court of Justice found on 26 June 2014 that the criteria for determining whether there is a risk of absconding are not sufficiently concrete to detain foreigners for the purpose of transfer to another Member State being responsible for the asylum procedure pursuant to the Dublin III Regulation. The amendments to the Residence Act, which took effect on 1 August 2015, shall close this gap. Section 2 subs. 14 of the Residence Act now contains the criteria for determining whether there is a risk of absconding within the meaning of section 62 subs. 3, first sentence, no. 5 of the Residence Act.

#### Implementation of Directive 2013/32/EU on common procedures for granting and withdrawing international protection and Directive 2013/33/EU on laying down standards for the reception of applicants for international protection into national German legislation

Under European Union law, both the Directive 2013/33/EU and the Directive 2013/32/EU were to be transposed into national law by 20 July 2015. As Germany has failed to do so by that date and the legislative procedure on the implementation of the Common European Asylum System is still underway, the Directives have been directly applied pursuant to Art. 288 of the Treaty on the Functioning of the European Union since 20 July 2015 and will continue to be applied directly until their provisions are transposed into German law. On 20 July 2015, the Federal Office therefore released a guideline on the direct domestic application of the Asylum Procedures Directive. In particular, the treatment of persons who require specific procedural guarantees is affected.

On 1 October 2015, a bill drafted by the Federal Ministry of the Interior concerning the implementation of the Common European Asylum System (CEAS)<sup>50</sup> was presented in order to transpose the two Directives into national law.

<sup>50</sup> Draft law on the implementation of the Common European Asylum System.

## 6.2 European Asylum Support Office

### 6.2.1 Background and general context

The European Asylum Support Office (EASO) is an agency of the European Union headquartered in Malta. It was established under Regulation (EU) number 439/2010 of 19 May 2010. According to the Regulation, the primary duties of EASO are:

- contributing to the improved implementation of the CEAS, including the external dimension of the CEAS,
- strengthening the practical cooperation on asylum issues between EU Member States,
- supporting the Member States whose asylum and admission systems are heavily burdened either with operational measures and/or by coordinating support.

Apart from the assistance in the operational field, the EASO also coordinates the multilateral components of the intra-European relocation programme with which EU countries admit refugees from those Member States facing a particularly large influx of asylum seekers.

### 6.2.2 Developments referring to the EU

In 2015, EASO focused on the following tasks under its annual work programme:

- strengthening the role of common training and professional development in the field of asylum,
- improving the quality of asylum processes and decisions further,
- producing more common Country of Origin Information (COI),
- developing joint processing,
- stimulating judicial dialogue in the field of asylum,
- supporting better identification of vulnerable persons,
- collecting and exchanging accurate and up-to-date information and documentation on the functioning of the CEAS and further developing an Early warning and Preparedness System (EPS) to provide analysis of trends,
- providing timely and comprehensive operational support to Member States,
- promoting adequate reception conditions and integration measures,
- fostering synergies between migration and asylum practices, including on return of failed asylum seekers and
- supporting the external dimension of the CEAS.

In addition, the so-called hotspot approach became more and more important in the course of 2015. Member States may now apply for support in crisis situations triggered by unusually high migration pressure. EASO, FRONTEX and EUROPOL will then help on the spot to identify and register new migrants quickly. Migrants who are obviously in need of international protection are to be identified and included in the European relocation procedure. In contrast, migrants who are not in need of protection are to be expelled. If a case is doubtful, the Member State itself shall conduct the asylum procedure. The Federal Office has repeatedly assigned staff to the hotspots in Italy and Greece.

In addition, the support services for the Asylum Support Teams (AST) of Bulgaria, Greece and Cyprus were continued.

Staff of the Federal Office for Migration and Refugees were also involved in activities for the European Training System as part of EASO, acting across several missions as trainers for international colleagues, and working to develop or further develop new training modules and participating in training themselves. In particular, new Federal Office staff was trained in the ETC core modules which are available in German.

Two Federal Office employees have been assigned to EASO as national experts. One of them was responsible for coordinating the support plans for Greece and Cyprus, while the other was tasked with the administration of information on countries of origin.

## 6.3 Cooperation with third countries, including resettlement

### 6.3.1 Background and general context

On 9 December 2011, the Conference of Ministers and Senators for the Interior of the federal Länder advocated that Germany participates permanently in the admission and resettlement of refugees from third countries in particular need of protection in the interest of continuing to develop and improve refugee protection (resettlement). Refugees are typically resettled in cooperation with the UNHCR, the IOM, the appropriate national agencies in the initial countries of refuge, and the local German diplomatic mission, all with the financial participation of the EU Commission. The Federal Ministry of the Interior issues the relevant admission ordinances in cooperation with the Federal States. During the first three years,



300 persons were admitted each year as a pilot project. In 2015, the annual admission contingent was fixed at 500. “In 2016 and 2017, resettlement refugees will be admitted in the framework of a resettlement pilot programme of the European Union. Germany has committed itself to admitting a total of 1,600 refugees within two years under this pilot project. Admissions under the national German resettlement programme will be counted against this number, which means that 800 resettlement refugees will be admitted in each of the years 2016 and 2017” (BMI 2016b). Resettlement refugees will receive a residence permit pursuant to section 23 subs. 4 of the Residence Act, which entitles them to take up paid employment immediately or to receive social benefits pursuant to Book II or Book XII of the Social Code. “This includes adequate accommodation. The social security benefits will be granted until the recipients can secure their livelihood by paid employment” (BMI 2016b).

In addition to the resettlement programme, the Conference of Ministers and Senators for the Interior launched humanitarian admission programmes for 10,000 refugees from Syria in each of the years 2013 and 2014. Admission continued up until 2015 (see BMI 2013a, BMI 2013b and BMI 2014d). Moreover, since 2013 most federal Länder have set up private sponsorship programmes, permitting Syrians to bring their relatives to Germany, provided that those family members who are already living in Germany undertake to bear all living costs for their relatives and provide evidence to that effect. In three federal Länder, these programmes ran out in 2014 (Baden-Württemberg, North Rhine-Westphalia and Rhineland-Palatinate), whereas they were extended until 2015 in six federal Länder (Bremen, Hesse, Mecklenburg-Western Pomerania, Lower Saxony, Saarland and Saxony-Anhalt) and until 2016 in six other Federal Länder (Berlin, Brandenburg, Hamburg, Saxony, Schleswig-Holstein and Thuringia) (for the relevant decrees and extensions of the single federal Länder see Pro Asyl 2016). Bavaria admitted private sponsorships for Syrian family members only in exceptional cases (STMI Bayern 2013).

changed and is now more similar to that of recognised asylum seekers. Refugees who hold this residence title are entitled to apply for a settlement permit, and the preconditions for bringing their family to Germany are looser.

As part of its participation in the resettlement process, Germany admitted 381 refugees from Sudan and Egypt in 2015. These were Syrian, Somali, Eritrean, Ethiopian, Iraqi, Ugandan, Sudanese and stateless Palestinian refugees, some of whom came from refugee camps.

### 6.3.2 National developments

#### Resettlement

The Act on the redefinition of the right to stay and the termination of residence, which entered into force on 1 August 2015, provided a new legal basis for the resettlement procedure. Section 23 subs. 4 of the Residence Act contains a new residence title for resettlement refugees. In addition, the legal status of resettlement refugees was

# 7 Unaccompanied minors and other vulnerable groups

## 7.1 Unaccompanied minors

### 7.1.1 Background and general context

The term ‘unaccompanied minor’ (UM) means a third-country national or stateless person below the age of 18 years who “arrives on the territory of the Member States unaccompanied by an adult responsible for him or her whether by law or by the practice of the Member State concerned, and for as long as he or she is not effectively taken into the care of such a person; it includes a minor who is left unaccompanied after he or she has entered the territory of the Member States” (Art. 2 lit. d and e of the Directive 2013/33/EU; see also Caritas 2016; Bundesarbeitsgemeinschaft Landesjugendämter 2014: 7). UMs come to Germany fleeing from acts of war, human rights violations or economic distress. Some lose their family members, others are separated from their parents while fleeing, and still others are sent to Europe by their family.

The various measures and procedures under immigration, asylum, and social law that are used in conjunction with the entry, reception, and possible return of UMs come with special requirements due to national and international regulations on protecting children and adolescents. Once taken into care, a ‘clearing procedure’ plays an important role. It is used to determine the individual need for youth welfare measures and examines whether or not the unaccompanied person that was taken into care has relatives in Germany or another EU Member State, and whether or not an application for asylum would be worthwhile. That is why the number of unaccompanied minors who are taken into care exceeds that of asylum applications. So far, the clearing procedure has been handled differently by each Federal State (Diakonie 2015b: 2). The asylum procedure, on the other hand, follows standardised criteria. At the Federal Office, ‘select case officers’ are trained as special case officers for working with UMs to ensure that the UMs’ hearings are less formal than those for adults. These special case officers are also involved in the procedures which take into account reasons for persecution that are specific to minors and in drawing up the decisions. They are obliged to be particularly sensitive in addressing the needs of minors (Müller 2014: 19 et seq.).

### 7.1.2 National developments

#### Trend of asylum applications from unaccompanied minors

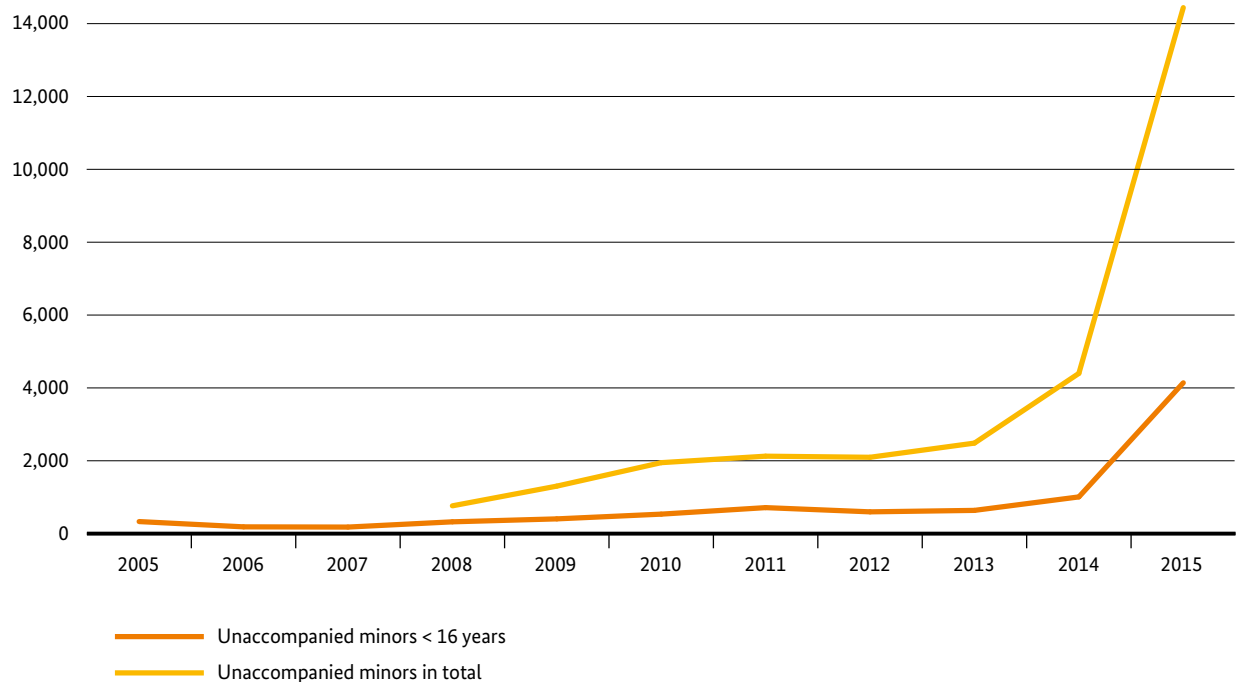
After the number of applications submitted by UMs declined from 2002 (873 applications) to 2007 (180), the Federal Office has registered a continual increase since 2008 (324). In 2014, the number of UMs applying for asylum in Germany already totalled 4,399 – an increase of 77% from 2013 (2,485). In 2015, the number of first-time asylum applications submitted by UMs more than tripled (see figure 5). The five main countries of origin in 2015 were Afghanistan (4,744 UMs, +351% over previous year), Syria (3,985 UMs, +506.1%), Eritrea (1,349 UMs, +46.3%), Iraq (1,340 UMs, +811.1%) and Somalia (793 UMs, +39.6%). In addition, accompanied minors submitted 123,040 first-time asylum applications in 2015 (Deutscher Bundestag 2016d: 9 et seq.).

The overall protection rate for UMs, i.e. the number of persons granted asylum, international protection (refugee and subsidiary protection), and determination of deportation bans in relation to the total number of decisions, was 90% in 2015. With 93.2% it was even higher for UMs younger than 16?

#### Act on the redefinition of the right to stay and the termination of residence

On 1 August 2015, the Act on the redefinition of the right to stay and the termination of residence entered into force. Beyond several general amendments to the right to stay, the new Act makes it easier to issue a well-integrated young person or adolescent whose deportation is suspended with a legal residence title and removes dispensable obstacles (Deutscher Bundestag 2015a: 1). Following the amendments to section 25a of the Residence Act, well-integrated young people and adolescents are required to have entered Germany before reaching the age of 17 (before: 14) and to have been resident in the federal territory for four years (before: six years) without interruption, either lawfully or by virtue of their deportation having been suspended or by holding permission to stay in the



**Figure 5: Unaccompanied minors, first-time applicants in persons**

Source: Federal Office for Migration and Refugees (until the end of 2007, statistics for 16- and 17-year-old unaccompanied minors were not recorded separately)

**Figure 6: Unaccompanied minors, overall protection rate in percent**

Source: Federal Office for Migration and Refugees (until the end of 2007, statistics for 16- and 17-year-old unaccompanied minors were not recorded separately)

federal territory (NKR 2014: 5). Refugee organisations and welfare associations welcomed the new provisions for UMs saying that “they were fit to extend the number of those who benefited from them” (PRO ASYL 2015e: 16; see also Flüchtlingsrat Niedersachsen 2015b; Bundesarbeitsgemeinschaft der Freien Wohlfahrtspflege 2015: 1).

Moreover, “the deportation of adolescents and young adults can be suspended for the time of their vocational training, provided that the training begins before they reach the age of 21” (Schwarz 2015: 4).

#### Act to improve accommodation, care and assistance for foreign children and young persons / legislative changes

On 1 November 2015, the Act to improve accommodation, care and assistance for foreign children and young persons entered into force. The Act reorganises the distribution of UMs to the federal Länder, replacing the rule that the youth welfare offices of the cities where the UMs arrived were responsible. Under this rule, a few municipalities in Germany had to provide the lion’s share of the care for UMs (Diakonie 2015b). Following the amendments, UMs will be distributed pursuant to quotas based on the Königstein key.<sup>51</sup> The Federal Government is aiming in particular to ease the burden on youth welfare offices in cities along the transit routes or with reception centres and to ensure better accommodation and care for UMs by distributing all across Germany. The Act provides that “the distribution procedure at the federal Land and Federal level should be geared towards the needs of the children and adolescents” (Deutscher Bundestag 2015m: 2). At the same time the UN Convention on the Rights of the Child (UN Children’s Rights Convention)<sup>52</sup> is taken into account (Deutscher Bundestag 2015m: 1).

Several specialist and welfare associations and opposition parties criticised the redistribution plans. “For example, the

Federal Association for Unaccompanied Minor Refugees (Bundesfachverband unbegleitete minderjährige Flüchtlinge, BumF) wrote that such a system was unsuitable for ensuring that the needs of the children were taken into account” (BumF 2014: 1; for similar criticism by DIE LINKE and Alliance 90/The Greens see Deutscher Bundestag 2015n; Deutscher Bundestag 2015o). Another point of criticism was that “no legal representative is to be appointed before the redistribution” (BumF 2015a; see also Diakonie 2015b: 4).

In addition, the Act raises the minimum age for legally effective procedural actions and for actions in a residence and asylum procedure from 16 to 18 years (Deutscher Bundestag 2015m: 2). This amendment was welcomed by the associations and the opposition parties DIE LINKE and Alliance 90/The Greens, not least because it complies with the UN Children’s Rights Convention, which entitles all children and young people below the age of 18 to protection, support and participation (IGfH 2015: 6; BumF 2015b: 10; Caritas 2015b: 13; AFET 2015: 2; PRO ASYL 2015f: 2).

### 7.1.3 Developments referring to the EU

#### Implementation of the EU-Directive 2013/32/EU

If the Member States do not transpose Directives into national law in time, the Directives are applied directly. This means that the responsible national authorities and courts determine the consequences *ex officio*. With regard to the asylum procedure, a manual shows to what extent the legal provisions in Germany still require an interpretation that is in line with the Directive (concerning the implementation of the Directive see chapter 6.1.3).

Among other things, the provisions affect asylum applications by UMs:

“Pursuant to Art. 7 subs. 4 of the Asylum Procedures Directive, the Member States shall ensure that the appropriate bodies (in this case the youth welfare office) have the right to lodge an application for international protection on behalf of an UM if, on the basis of an individual assessment of his or her personal situation, those bodies are of the opinion that the minor may need international protection. The youth welfare office may effectively submit an asylum application on behalf of an UM even if it is not his or her legal guardian, provided that international protection is possibly required. However, the procedure itself must be undertaken by the legal guardian. If the legal guardian submits another asylum application at a

51 The Königstein key determines how many asylum seekers a Federal State has to admit. The percentage distribution of the asylum seekers is determined on the basis of a comparison of the tax revenues (2/3) and the number of inhabitants (1/3) of the individual Federal States. The quota are re-calculated every year (BAMF 2013b: 32).

52 The UN Children’s Rights Convention calls for adequate housing and care for children and says that unaccompanied minors must receive equal treatment with other children: “In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention” (Art. 22 subs. 2, second sentence of the UN Children’s Rights Convention).

later point in time, he or she must be informed of the youth welfare office's having already filed an effective asylum application" (BAMF 2015g: 3).

In addition, possibilities to reject asylum applications by UMs as manifestly unfounded were restricted. This is only possible if an UM comes from a safe country of origin or if s/he is "to be regarded as a threat to the security of the Federal Republic of Germany or constitutes a threat to the general public because he or she has been finally sentenced to a prison term of at least three years for a crime or a particularly serious offence" (section 60 subs. 8, first sentence of the Residence Act; Art. 25 subs. 6 of the Asylum Procedures Directive in conjunction with Art. 31 subs. 8 and Art. 32 subs. 2 of the Asylum Procedures Directive; BAMF 2015g: 6).

## 7.2 Other vulnerable groups

### 7.2.1 Background and general context

Pursuant to Article 21 of the European Reception Directive (2013/33/EU),<sup>53</sup> vulnerable groups with special needs of protection include minors, UMs, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation. In 2014, 0.8% of all asylum applicants were aged 65 and above (BAMF 2015h: 21). According to estimates by Fachstelle MenschenKind, an agency which specialises on the care for seriously ill children, "10–15% of the refugees and asylum seekers in Germany are seriously ill or disabled" (MenschenKind 2015).

Special case officers are involved in the handling of applications submitted by certain groups of asylum seekers (UMs, persons persecuted on the grounds of their sex, victims of human trafficking or of torture and traumatised asylum seekers). They have received special training concerning the special needs of individual vulnerable groups. In addition, they can rely on special legal, cultural and psychological knowledge in order to handle the procedure carefully.

The Asylum Seekers' Benefits Act contains provisions on medical treatment for particularly vulnerable asylum seekers. Section 4 of the Asylum Seekers' Benefits Act guarantees basic medical treatment for all asylum seekers. Particularly vulnerable applicants can receive additional treatment "if this is necessary to secure their livelihood or their health" (section 6 subs. 1 of the Asylum Seekers' Benefits Act) (Schwalgin 2014; concerning criticism about the medical treatment for disabled asylum seekers see MenschenKind 2015; Bundesvereinigung Lebenshilfe e.V. 2015).

Asylum applicants regularly report health problems during the asylum procedure. In these instances and if international protection has not been granted already, the Federal Office checks whether return would pose a significant health risk, making a national deportation ban an issue for consideration. Federal Office employees themselves are not trained to diagnose illness or impairment. However, they are trained in how to deal with groups with special needs of protection in order to be able to recognise tangible indications of the presence of illness or impairment. If the question of whether or not the applicant is fit for the asylum procedure or the decision on the application itself depends on whether or not the applicant has an illness or impairment, it may be necessary to commission a medical assessment.

### 7.2.2 National developments

#### Victims of human trafficking

See chapter 8.

#### Accommodation for vulnerable groups with special needs

In 2015, specific accommodations for particularly vulnerable persons were provided at Hamburg, Berlin and Durlach near Karlsruhe. The shelters provide for the specific needs of certain groups of vulnerable persons, such as pregnant women, single mothers and their children and/or older female refugees (see Terre des Femmes 2015a), blind asylum applicants, lame refugees or traumatised refugees. Other special shelters are being planned, for example at Cologne or a women-only shelter at Volksdorf near Hamburg, with refugees due to move in from January 2016 (Deutschland-radio Kultur 2016; NDR 2015; Heimat Echo 2015).

<sup>53</sup> Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection

# 8 Actions against human trafficking

## 8.1 Background and general context

The German Criminal Code (Strafgesetzbuch, StGB) differentiates between the following human trafficking offences: human trafficking for sexual exploitation (section 232 of the Criminal Code), human trafficking for the purpose of work exploitation (section 233 of the Criminal Code) and assisting in human trafficking (section 233a of the Criminal Code).

Pursuant to section 25 subs. 4a of the Residence Act, a foreigner who has been the victim of human trafficking may be granted a residence permit for a temporary stay, even if s/he is enforceably required to leave the federal territory, provided that the temporary stay of the foreigner is considered to be appropriate in connection with criminal proceedings, that the foreigner has broken off contact to the persons accused of having committed the criminal offence and that the foreigner has declared his or her willingness to testify as a witness in the criminal proceedings relating to the offence. A residence permit pursuant to section 25 subs. 4a, first sentence of the Residence Act is initially granted for one year. If the criminal proceedings are over and if humanitarian or personal grounds or the public interest require that the foreigner continue to stay in Germany, the residence permit can be extended by two years pursuant to section 25 subs. 4a, third sentence of the Residence Act (cf. section 26, fifth sentence of the Residence Act). In addition, section 59 subs. 7 grants victims of human trafficking a three-month period for reflection and recovery during which no residence-related actions are taken, regardless of whether or not they actually testify in court later on (Diakonie 2015c: 38). These provisions implement the requirements of the Council Directive 2004/81/EC on the residence permit issued to victims of trafficking in human beings<sup>54</sup> and of the Third Victims' Rights Reform Act, which entered into force on 31 Decem-

ber 2015<sup>55</sup> and also includes requirements set out in Directive 2011/36 EU on preventing and combating trafficking in human beings and protecting its victims.<sup>56</sup>

In order to better coordinate the prevention of trafficking in women, Germany established a "Federal Government and federal Länder working group on trafficking in women" in 1997 and broadened it into a "Federal Government and federal Länder working group on human trafficking" in November 2012 (BMFSFJ 2014b). The working group consists of representatives of the relevant Federal Ministries, the Federal Criminal Police Office, State representatives and non-governmental organisations. The tasks of the working group include "a continuous exchange of information on the variegated activities in the federal Länder as well as in national and international bodies, analysing the specific issues in combating human trafficking and the preparation of recommendations and if necessary carrying out joint activities to combat human trafficking" (BMFSJ 2014b). During the existence of the working group, the Federal Criminal Police Office has conducted trainings for police officers, a co-operation concept for witnesses who are not part of a witness protection programme was developed, a recommendation on the application of the Victims Compensation Act to victims of human trafficking was released and a "working paper on standardised training concerning human trafficking for the purpose of sexual exploitation" was drawn up (BMFSJ 2014b).

One of the non-governmental organisations participating in the working group is the 'Network against Trafficking in Human Beings' (Bundesweite Koordinierungskreis gegen Menschenhandel e.V., KOK), which is supported by the Federal Government. "It is a unique network of 37 women's organisations and specialist advisory centres which work actively against human trafficking and violence against

54 Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities.

55 Gesetz zur Stärkung der Opferrechte im Strafverfahren (Third Victims' Rights Reform Act).

56 Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA.

migrants” (KOK 2015a: 2). One of its foci is raising awareness and offering training on this issue. Already back in 2007 the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth and the network jointly developed nationwide training programmes for specialised consultation centres for victims of human trafficking for the purpose of sexual exploitation. The programmes are directed at police officers, specialised consultation centres, the judiciary, the customs authorities, the Financial Control of Undeclared Employment, correctional facilities and other authorities (BMFSFJ 2007).

In order to better coordinate the fight against human trafficking for the purpose of work exploitation the Federal Government and federal Länder working group on human trafficking for the purpose of work exploitation was established in February 2015. It is based on the project ‘Alliance against Human Trafficking for Labour Exploitation’ (Bündnis gegen Menschenhandel zur Arbeitsausbeutung, BGMA)<sup>57</sup> and aims to spread to other federal Länder and to improve the cooperation and networking between the Federal Government and the federal Länder as well as between ministries, trade unions and civil-society players (unsichtbar – BGMA 2015b).

The Victims Compensation Act, which has been in force in Germany since 1976, was amended in 1993 and then most recently in 2009. Under this Act, victims of violence receive the same benefits as victims of war independently of any other welfare benefits. The Federal Ministry of Labour and Social Affairs published a brochure titled “Assistance for Victims of Violence” as a handout for police officers and special victim support services so that, for instance, victims of human trafficking can quickly and clearly be informed about any compensation that is available (BMAS 2016).

The Federal Office for Family and Civil Society Functions (Bundesamt für Familie und zivilgesellschaftliche Aufgaben, BAFzA) has been operating the ‘Violence against Women’ helpline since March 2013 on the basis of the Act on the Establishment and Operation of a Nationwide ‘Violence against Women Helpline’ (HilfetelefonG). The helpline operates round the clock, 24 hours a day and 365 days a year. Victims and their friends or relations can call the number 08000 116 016 to receive free and, if desired, anonymous advice on all forms of violence against women, including trafficking in women, violence against

prostitutes, and special contexts of violence, such as against female migrants or violence suffered during the flight or in shelters. The helpline provides information and advice in 15 languages<sup>58</sup> and a sign language service for the deaf as well as hearing impaired and is thus well equipped to deal with the specific situation of female refugees or female migrants (BMFSFJ 2013: 1). The helpline also supports employees of reception centres if they are confronted with violence against women in the course of their work (BMFSJ 2015d). Advice is also provided via e-mail or a chat service. The helpline’s roughly 70 female specialists primarily refer victims to local consultation centres and shelters. In 2014, almost 50,000 calls to the helpline led to 25,000 advice sessions. 45 women were advised on the issue of human trafficking (BAFzA 2015b: 49), with half of them needing advice on the issue of human trafficking for the purpose of sexual exploitation of adults and almost one-fifth each on human trafficking for the purpose of work exploitation and on human trafficking for the purpose of sexual exploitation of minors (BAFzA 2015b: 55).

The Federal Office has employed especially trained case officers for victims of human trafficking at its branch offices since 1996. There are also special case officers for gender-related persecution, unaccompanied minors, victims of torture and traumatised asylum applicants. The special case officers are involved in the decision on the asylum application (BAMF 2014c).

## 8.2 National developments

In 2015, three legal amendments directly affected the legal status of victims of human trafficking: the Act on Amendments to the Asylum Seekers’ Benefits Act, Act on the redefinition of the right to stay and the termination of residence and the Act on Strengthening Victims’ Rights in Criminal Proceedings (Third Victims’ Rights Reform Act; see chapter 8.3 on international developments).

### Act on Amending the Asylum Seekers Benefits Act

On 1 January and on 1 March 2015, several amendments to the Asylum Seekers’ Benefits Act entered into force which will also affect victims of human trafficking, who

<sup>57</sup> The project ran out after three years on 30 September 2015 (unsichtbar – Bündnis gegen Menschenhandel zur Arbeitsausbeutung 2015a).

<sup>58</sup> Arab, Bulgarian, Chinese, English, French, Italian, Farsi, Polish, Portuguese, Russian, Serb/Serb-Croatian, Spanish, Turkish, Vietnamese.

are now entitled to benefits pursuant to the Social Code and not pursuant to the Asylum Seekers' Benefits Act (see Der Paritätische Gesamtverband: 2015: 4).

#### Act on the redefinition of the right to stay and the termination of residence

The Act entered into force on 1 August 2015. Among other things, it improves the right of residence of victims of human trafficking and gives them the chance of staying in Germany after participating in the criminal proceedings against the perpetrators. Section 25 subs. 4a, first sentence of the Residence Act was amended; now, victims of human trafficking no longer “may”, but “shall” be granted a residence permit if they are willing to testify. This also applies to the extension of the residence permit pursuant to section 25 subs. 4a, third sentence of the Residence Act, which shall be regularly granted for two years. In addition, the residence permit is now granted for one year and not just for six months.

Moreover, victims of human trafficking may now have their families re-join them in Germany – something which was not possible so far.

“The newly added reference to section 25 subs. 4a, first sentence of the Residence Act permits victims of human trafficking to have their families re-join them in Germany during the criminal proceedings, provided that the preconditions of section 29 subs. 3, first sentence [subsequent immigration of dependants for humanitarian or other higher-ranking reasons] are met. This provision aims to increase both the protection of the victims and their willingness to cooperate. First, they are less vulnerable to threats against their family in the country of origin, and second, the presence of the core family will have a stabilising effect on the victims. Victims of human trafficking who hold a residence permit pursuant to section 25 subs. 4a, third sentence (i.e. after the completion of the criminal proceedings) are not subject to the additional requirements set out in section 29 subs. 3. In these cases, the general provisions set out in sections 27 et seq. Apply” (Gemeinsam gegen Menschenhandel 2015; BMI 2014c: 30).

Furthermore, access to integration courses for victims of human trafficking was eased. Now, also persons whose residence permit was extended pursuant to section 25 subs. 4a, third sentence of the Residence Act are entitled to attend an integration course (section 44 subs. 1, first sentence, no. 1c of the Residence Act). Moreover, the reason for revocation set out in section 52 subs. 5 no. 3 (dismissal

of the criminal proceedings) has been abolished (see KOK 2015b: 3).

While several civil-society organisations welcomed the new provisions in principle, they criticised that the granting of a residence permit to victims of human trafficking still depended on their willingness to cooperate with the prosecution (Terre des Femmes 2015b). KOK e.V. welcomed the amendments in principle, but pointed out as well that it was regrettable that the law still required the victims to be willing with the prosecution, even if they were minors (KOK 2015b).

#### Statistics

Since 1999, the Federal Criminal Police Office has been publishing the “Federal Situation Report” on human trafficking, which contains a condensed outline of the latest situation and development of human trafficking for sexual exploitation and human trafficking for work exploitation.

In 2014, 392 investigations were closed, registering a total of 507 suspects of human trafficking for the purpose of sexual exploitation. Compared to the preceding year, this was a decline of 8% in the number of investigations and of 19% in the number of suspects. In contrast, the number of officially reported victims of human trafficking for the purpose of sexual exploitation rose by around 3% compared to 2014, with 557 persons registered as victims of sexual exploitation. Most of the victims were women (95%). Two-thirds of the victims had an eastern European migration background, with the majority of non-Germans originating from Romania (37.9%), Bulgaria (16.0%), Hungary (7.2%), Poland (3.8%) and Nigeria (3.2%). 266 victims (48%) were younger than 21, with 57 of them minors and five of these younger than 14 (BKA 2015b: 5 et seq.).

In the area of human trafficking for the purpose of work exploitation (section 233 of the Criminal Code), 11 investigations into 16 suspects were closed in 2014 (2013: 53 investigations and 23 suspects). A total of 26 victims of human trafficking for work exploitation were reported in 2014 (2013: 35). According to the Federal Criminal Police Office, the decline is due to the fact “that the figures for the preceding year included a large multi-defendant case” (BKA 2015a: 8). The figures for 2014 resemble those for 2012 and earlier years. In 2014, the victims came from Bulgaria (9) as well as Romania (5) and Vietnam (5). Most of them were found on construction sites (9) or in the hotel and restaurant sector (8) (BKA 2015a: 8).



### 8.3 International developments

#### Third Victims' Rights Reform Act

The Third Victims' Rights Reform Act, which entered into force on 31 December 2015, implements the Federal Republic's obligations under the Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime. "Only parts of the Directive had to be newly implemented, in particular with regard to procedural rights and rights of information" (BMJV 2015). "The introduction of psychological and social support during the proceedings is an important milestone for victims' rights. Particularly vulnerable victims are now entitled to professional support ahead of, during and after the proceedings. In particular, children and adolescents who are victims of serious sexual or violent crimes are entitled to free psychological and social support during the proceedings. Concerning other victims of serious violent or sexual crimes, the court shall decide in the individual case whether psychological and social support is provided during the proceedings. The provisions on psychological and social support during the proceedings enter into force on 1 January 2017" (BMJV 2015). Civil-society organisations welcomed the new provisions, but "regretted a lack of national standards for support during the proceedings and the limitation to children and adolescents who are victims of sexual or violent crimes" (KOK 2016).

#### Bill for the implementation of the EU Directive on preventing and combating trafficking in human beings and protecting its victims

On 15 April 2015, the Federal Government adopted a bill for the implementation of the EU Directive 2011/36/EU on preventing and combating trafficking in human beings<sup>59</sup> and sent it on to the Bundestag. In particular, the bill contains two measures to implement the Directive. The first is the "extension of the provisions of section 233 of the Criminal Code to human trafficking for the purpose of criminal actions and begging; in addition, human trafficking for the purpose of organ trading, which is currently only punishable as assistance to criminal acts pursuant to the Organ Transplant Act, is to be included expressly as an offence in section 233 of the Criminal Code". The second is "the extension of the provisions on the qualifying offence of section 233a of the Criminal Code to cases in which the

victim is younger than 18 and to cases in which the life of the victim is put in danger through gross negligence; for reasons of equal treatment, these extensions shall also apply to the qualifying offences treated in sections 232 and 233 of the Criminal Code" (Bundesrat 2015i: 1).

#### Information campaigns on the conditions of travel and reception in the main countries of origin

On 9 November 2015, the Council of the European Union tasked the European Commission with "developing an information strategy for asylum seekers and migrants which includes information on the threats from people smuggling and human trafficking. The Directorate-General Migration and Home Affairs has established a working group for this purpose and is conducting consultations with the relevant Directorates-General of the European Commission, the European External Action Service and international organisations" (Deutscher Bundestag 2015p: 2). The Federal Government supported the proposal of developing such an information strategy, which will, according to the Federal Government, "help to develop counterarguments and to correct misinformation and rumours spread by human traffickers and people smugglers. This will be a welcome development" (Deutscher Bundestag 2015p: 2). "As far as the Federal Government knows, the activities in the framework of the information strategy are funded from the existing EU budget, for example from the Asylum, Migration and Integration Fund (AMIF)." No more detailed information on the concrete activities was available yet (Deutscher Bundestag 2015p: 3).

In addition, the Federal Office has taken the following information measures:

- "Adverts in six Albanian newspapers
- Deutsche Welle interview with Dr. Manfred Schmidt, the former Head of the Federal Office, published online in Albanian and Serbian, interview with the biggest Albanian TV station Top Channel TV and interviews with Bosnian and Kosovar media
- Facebook adverts in Albania and Serbia in the local languages Internet news / press releases on relevant aspects, e.g. on re-entry bans and fast-track procedures
- Websites in local languages which inform about the preconditions for obtaining protection in Germany, the impossibility of obtaining protection on the grounds of economic hardship and on voluntary return programmes and which point out that migrants will be expelled if they do not return voluntarily" (Deutscher Bundestag 2015p: 5).

<sup>59</sup> Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA.



# 9 Migration and development

## 9.1 Background and general context

While the interaction between migration and development has long been a topic of scientific debate, discussions in Germany on strengthening the ties between migration and development policy have only been gaining greater traction since 2006/2007. The frames of reference are the Millennium Development Goals of the United Nations (UN) as well as the Global Approach to Migration and Mobility (GAMM) of the EU. In recent years, Germany's thematic approach to migration and development policy has been broadened considerably. While topics such as "Cooperating with the Diaspora" or "Facilitating Money Transfers" were the focus at the beginning of the millennium, topics such as "Migration Policy Consultation for Partner States", "Promoting Private Industry through Migration", "Development-oriented Labour Mobility", "Climate Change and Migration", and "Land Development and Migration" have since received increased attention (Deutscher Bundestag 2014d: 3).

Nevertheless, very different goals and interests can be found in the areas of migration and development policy that cannot always be reconciled and thus require special coordination in order to resolve the conflicts between individual areas of policy and to contribute to greater coherence. For instance, major challenges come from the different objectives of the two policy areas: while migration policy focuses predominantly on managing migration flows and utilises targeted recruitment for this goal, development policy focuses on promoting structures in poorer countries (Baraulina/Hilber/Kreienbrink 2012).

The aim of improving the integration of these two policy areas also increases the need for coordination amongst those involved. At the Federal Government level, these are the Federal Ministry of the Interior and the Federal Ministry for Economic Cooperation and Development (BMZ), which is responsible for development policy. The implementing bodies and authorities from the two ministries play a major role at the operational level. For the Federal Ministry for Economic Cooperation and Development, these are the German Society for International Cooperation (Gesellschaft für Internationale Zusammenarbeit, GIZ) and the Centre for International Migration and Development (CIM), a joint operation of GIZ and the Federal Employment Agency. The Federal Office for

Migration and Refugees is the key player in implementing migration policy.

Preventing or limiting migration may be one goal of development policy, for example in order to prevent a "brain drain" in the countries of origin. The Employment Ordinance points out "that, in the countries listed in the Annex to the Ordinance, recruitment and job placement efforts in the healthcare sector may only be conducted by the Federal Employment Agency" (section 38 of the Employment Ordinance). The list is based on recommendations by the World Health Organization (WHO) and consists of 57 countries in which healthcare professionals are scarce.

The 'Returning Experts' development programme and the 'Migration and Development' sector project, which also includes the 'Promoting the Development Activities of Migrant Organisations' project, are particularly relevant to migration policy. Within the context of the 'Returning Experts' programme, the CIM promotes the return of (academically) qualified returnees to developing countries with financial support, placement offers and a network of local consultants. In 2014, 473 returning experts received financial support or consultation and services (GIZ 2015: 13). The 'Promoting the Development Activities of Migrant Organisations' project gives migrant organisations in Germany the opportunity to apply for funding for development policy projects in their countries of origin since 2011. By May 2014, a total of 43 projects received funding, most of them in countries in sub-Saharan Africa (Deutscher Bundestag 2014d: 4 et seq.). In addition to these initiatives, there are the REAG/GARP programme and numerous other humanitarian aid programmes at the EU, Federal and federal Länder level that promote voluntary returns and reintegration of asylum seekers, offer start-up assistance and/or support before the return and provide training in order to facilitate reintegration in the country of origin (see chapter 5).

In order to improve interdepartmental coordination in the area of migration management, a state secretary working group on 'International Migration' was established on 15 October 2014. It was chaired by the Foreign Office and the Federal Ministry of the Interior and consisted of representatives of these two ministries as well as the Federal Ministry for Economic Cooperation and De-

velopment and the Federal Government Commissioner for Migration, Refugees and Integration. A sub-working group of this forum focuses on the issue of 'Migration and Development' (Deutscher Bundestag 2014e). Based on the latest migration and refugee processes, future work is focussed on working in the context of an action plan covering the external dimension of migration- and refugee policies as well as a related strategy for migration and development.

## 9.2 National developments

### Three special initiatives by the Federal Ministry for Economic Cooperation and Development

The Federal Ministry for Economic Cooperation and Development launched three special initiatives in the area of refugee and development cooperation in 2014 and expanded them further in 2015: 'Tackling the root causes of displacement, reintegrating refugees', 'Stability and development in the MENA region' and 'ONE WORLD – No Hunger'. There are three main areas of action:

#### Activity 1 – Tackling the root causes of displacement

"Germany is helping countries in crisis stabilise their political and economic situation, rebuild damaged structures and improve the educational and employment prospects of their people. Employment and training programmes, for example, are a way of giving young people in particular prospects for the future, and they foster social cohesion" (BMZ 2016: 16).

#### Activity 2 – Stabilisation of regions of origin

"The majority of refugees flee to countries bordering their home country. Countries that are hosting particularly large numbers of people include Turkey, Pakistan, Lebanon, Ethiopia, Jordan, Kenya, Chad and Uganda. The arrival of very large numbers of people within a short period of time is often a huge challenge for developing countries: there is a lack of housing and employment opportunities; schools cannot accommodate all the additional children; food and water start to run low. In order to help stabilise the countries taking in refugees, Germany is investing in their infrastructure – for example, in their water supply systems. Creating employment is another focal point. In addition to improving the infrastructure, Germany also tries to facilitate dialogue between new arrivals and existing communities" (BMZ 2016: 22).

#### Activity 3 – Integration and Reintegration of refugees, internally displaced persons and returnees

"The aim of German development cooperation is to create new prospects both for refugees in host countries and for returnees. To that end, Germany is investing, among other things, in the reconstruction of schools and health centres" (BMZ 2016: 28).

### German Information Point on Migration, Vocational Training and Career in Kosovo

In May 2015, the GIZ set up a German Information Point on Migration, Vocational Training and Career ("Deutscher Informationspunkt für Migration, Ausbildung und Karriere", DIMAK)<sup>60</sup> in Kosovo on behalf of the Federal Ministry for Economic Cooperation and Development. This centre informs Kosovars "who are considering leaving their country about legal opportunities to undergo vocational training or find employment in Germany and about the necessary requirements" (GIZ 2016). In cooperation with the Kosovar Ministry of Labour, the centre supports returnees in finding a job in Kosovo. "The centre provides extensive information on vocational training and employment, which is often unknown to those who use the services. In December, the centre and Kosovar companies jointly organised a job fair for 300 open jobs. In addition, the centre offers numerous workshops, for example on establishing a new business or job application trainings" (GIZ 2016).

### Website to compare fees for the transfer of remittances

In 2015, the website [www.geldtransfair.de](http://www.geldtransfair.de) was launched by the Migration and Development project of GIZ on behalf of the Federal Ministry for Economic Cooperation and Development. GeldtransFAIR.de allows its users to compare the fees for money transfers in more than 20 countries for free. The data are updated every two months.

## 9.3 Developments referring to the EU

### Mobility partnerships

Mobility partnerships between the European Union and third countries are part of the EU's migration policy, whose guidelines were set forth in the GAMM in 2005.

<sup>60</sup> See <http://dimak-kosovo.blogspot.de/> (31 Mar 2016).

The GAMM focuses on improving the reintegration of migrants into their countries of origin “in order to effectively promote the development of the countries of origin” (Hitz 2014: 2). This is intended to effectively integrate migration and development policy. At the same time, these agreements are “an important instrument for the Federal Government to prevent irregular migration and combat human trafficking, to maximise the impact of migration and mobility on development, to better organise legal migration and promote mobility and to strengthen refugee protection” (Deutscher Bundestag 2015q: 2). In Morocco, for example, qualified returnees are receiving support during the process of becoming self-employed. At the same time, these agreements are also intended to pave the way for easing visa requirements. Mobility partnerships have been concluded so far with Cape Verde (2008), Moldavia (2008), Georgia (2009), Armenia (2011), Azerbaijan (2013), and Morocco (2013). In 2014, agreements were signed with Tunisia (March) and Jordan (October). Germany is participating in all mobility partnerships except those with Cape Verde and Azerbaijan.

In 2015, negotiations on a mobility partnership with Belarus were started and so-called *Common Agendas on Migration and Mobility (CAMMs)* were signed with Nigeria (EU 2015a) and Ethiopia (EU 2015b). In contrast to mobility partnerships, CAMMs do not include negotiations on easier visa requirements and readmission agreements (European Commission 2015).

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# Abbreviations

AA	Foreign Office (Auswärtiges Amt)
AAH	Support by training and equipment (Ausbildungs- und Ausstattungshilfe)
ADS	Federal Anti-Discrimination Agency (Antidiskriminierungsstelle des Bundes)
AEUV	Treaty on the Functioning of the European Union (Vertrag über die Arbeitsweise der Europäischen Union)
AfD	Alternative for Germany (Alternative für Deutschland)
AFET	Federal Association for child care (Bundesverband für Erziehungshilfe)
AG Rück	Return Working Group – sub-group of IMK Arbeitsgruppe Rückführung (Unterarbeitsgruppe der IMK)
AmF	Action Alliance of Muslim Women (Aktionsbündnis muslimischer Frauen e.V.)
AMIF	Asylum, Migration and Integration Fund (Asyl-, Migrations- und Integrationsfonds)
ASMK	Conference of Ministers and/or Senators for Labour and Social Affairs (Konferenz der Ministerinnen und Minister bzw. Senatorinnen und Senatoren für Arbeit und Soziales der Länder)
AsylbLG	Asylum Seekers' Benefits Act (Asylbewerberleistungsgesetz)
AsylG	Asylum law (Asylgesetz – formerly Asylverfahrensgesetz – AsylVfG)
AsylVfG	Asylum Procedure Act (Asylverfahrensgesetz)
AsylZBV	Ordinance on Determining Asylum Jurisdiction (Asylzuständigkeitsbestimmungsverordnung)
AST	Asylum Support Teams (Asyl-Unterstützungsteam)
AufenthG	Residence Act (Aufenthaltsgesetz)
AufenthV	Residence Ordinance (Aufenthaltsverordnung)
AVwV	Administrative Regulation to the Residence Act (Allgemeine Verwaltungsvorschrift)
AWO	Workers' Welfare Association (Arbeiterwohlfahrt)
AZR	Central Register of Foreigners (Ausländerzentralregister)
AZRG	Central Register of Foreign Nationals Act (Gesetz über das Ausländerzentralregister)
BA	Federal Employment Agency (Bundesagentur für Arbeit)
BAFzA	Federal Office for Family and Civil Society Duties (Bundesamt für Familie und zivilgesellschaftliche Aufgaben)
BÄK	German Medical Association (Bundesärztekammer)
BAMF	Federal Office for Migration and Refugees (Bundesamt für Migration und Flüchtlinge)
BDA	Confederation of German Employers' Associations (Bundesvereinigung der Deutschen Arbeitgeberverbände)
BeschV	Employment Ordinance (Beschäftigungsverordnung)
BGH	Federal Supreme Court (Bundesgerichtshof)
BGMA	Alliance against Human Trafficking for Labour Exploitation (Bündnis gegen Menschenhandel zur Arbeitsausbeutung)
BiW	Citizens in Rage (Bürger in Wut)
BKA	Federal Criminal Police Office (Bundeskriminalamt)
BLK-IRM	Coordination Agency for 'Integrated Return Management' of the Federal Government and the federal Länder (Bund-Länder-Koordinierungsstelle zum Integrierten Rückkehrmanagement)
BMAS	Federal Ministry of Labour and Social Affairs (Bundesministerium für Arbeit und Soziales)
BMBF	Federal Ministry for Education and Research (Bundesministerium für Bildung und Forschung)
BMFSFJ	Federal Ministry of Family Affairs, Senior Citizens, Women and Youth (Bundesministerium für Familie, Senioren, Frauen und Jugend)

BMI	Federal Ministry of the Interior (Bundesministerium des Innern)
BMJV	Federal Ministry of Justice and Consumer Protection (Bundesministerium der Justiz und für Verbraucherschutz)
BMWi	Federal Ministry of Economics and Technology (Bundesministerium für Wirtschaft und Technologie)
BMZ	Federal Ministry for Economic Cooperation and Development (Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung)
BPOL	Federal Police (Bundespolizei)
BPolG	Federal Police Act (Bundespolizeigesetz)
BüMA	Asylum-seeker registration certificate (Bescheinigung über die Meldung als Asylsuchender)
BumF	Federal Association for Unaccompanied Minor Refugees (Bundesfachverband unbegleiteter minderjähriger Flüchtlinge)
BQFG	Recognition Act (Berufsqualifikationsfeststellungsgesetz)
BVA	Federal Office of Administration (Bundesverwaltungsamt)
BVerfG	Federal Constitutional Court (Bundesverfassungsgericht)
BVerwG	Federal Administrative Court (Bundesverwaltungsgericht)
BVFG	Federal Expellee and Refugee Act – Law on the Affairs of the Expellees and Refugees (Gesetz über die Angelegenheiten der Vertriebenen und Flüchtlinge [Bundesvertriebenen- und Flüchtlingsgesetz])
CDU	Christian Democratic Union (German Political Party)
CEAS	Common European Asylum System
CEFR	Common European Framework of Reference for Languages
CIM	Centre for International Migration and Development (Centrum für internationale Migration und Entwicklung)
COI	Country of Origin (Herkunftsland)
COM	European Commission
CSU	Christian Social Union (German Political Party)
DAV	Data Reconciliation Procedure (Datenabgleichverfahren)
DFB	German Football Association (Deutscher Fußballbund)
DIK	German Islam Conference (Deutsche Islam Konferenz)
DIMAK	German Information Point on Migration, Vocational Training and Career (Deutscher Informationspunkt Migration, Ausbildung, Karriere)
DRK	German Red Cross (Deutsches Rotes Kreuz)
EASO	European Asylum Support Office (Europäisches Unterstützungsbüro für Asylfragen)
EC	European Community
ECJ	European Court of Justice
EinbTestV	Ordinance on Naturalisation Tests (Einbürgerungstestverordnung)
EKD	Evangelical Church in Germany (Evangelische Kirche in Deutschland)
EMN	European Migration Network
ESF	European Social Fund
EU	European Union
EURODAC	European Dactyloscopy
Europol	European Police Office
Eurostat	Statistical Office of the European Communities
EU-TAIEX	Technical Assistance and Information Exchange instrument
EVS	European Voluntary Service
FAZ	Frankfurt General Newspaper (Frankfurter Allgemeine Zeitung)

FDP	Free Democratic Party (Freie Demokratische Partei)
FRONTEX	European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union
GAMM	Global Approach to Migration and Mobility/ Global Approach to Migration Topics
GASIM	Joint Analysis and Strategy Centre for Illegal Immigration (Gemeinsames Analyse- und Strategiezentrum illegale Migration)
GG	Basic Law (Grundgesetz für die Bundesrepublik Deutschland)
GIZ	German Society for International Cooperation (Gesellschaft für Internationale Zusammenarbeit)
HAZ	Hannover General Newspaper (Hannoversche Allgemeine Zeitung)
IDSUB	Institute “integration through sport and education” (Institut „Integration durch Sport und Bildung“)
IMK	Permanent Conference of Ministers and Senators for the Interior of the federal Länder (Ständige Konferenz der Innenminister und -senatoren der Länder)
IntMK	Conference of Ministers and Senators responsible for Integration in the federal Länder (Konferenz der für Integration zuständigen Ministerinnen und Minister, Senatorinnen und Senatoren der Länder)
IntV	Integration Course Ordinance (Integrationskursverordnung)
IOM	International Organisation for Migration
IQ	Programme “Integration through Qualification (IQ)” (Förderprogramm „Integration durch Qualifizierung“)
JMD	Youth migration services (Jugendmigrationsdienste)
KOK	Nationwide Activist Coordination Group Combating Trafficking in Women and Violence Against Women in the Migration Process (Bundesweiter Koordinationskreis gegen Frauenhandel und Gewalt an Frauen im Migrationsprozess)
MDR	Central German Broadcasting (Mitteldeutscher Rundfunk)
MBE	Migration Consultation for Adult Immigrants (Migrationsberatung für erwachsene Zuwanderer)
NAP-I	National Action Plan on Integration (Nationaler Aktionsplan Integration)
NKR	National Regulatory Council (Nationaler Normenkontrollrat)
NPD	National Democratic Party of Germany (Nationaldemokratische Partei Deutschland)
Pegida	Patriotic Europeans Against the Islamisation of the West (Patriotische Europäer gegen die Islamisierung des Abendlandes)
REAG/GARP	Reintegration and Emigration Programme for Asylum-Seekers in Germany/ Government Assisted Repatriation Programme
SchulG NW	School law of North Rhine-Westphalia (Schulgesetz Nordrhein-Westfalen)
SIS	Schengen Information System
SGB	Social Code (Sozialgesetzbuch)
SPD	Social Democratic Party (Sozialdemokratische Partei Deutschlands)
StAG	Nationality Act (Staatsangehörigkeitsgesetz)
StBA	Federal Statistical Office (Statistisches Bundesamt)
StGB	Criminal Code (Strafgesetzbuch)
UM	Unaccompanied minor (Unbegleitete Minderjährige)
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
VIS	Visa Information System
WHO	World Health Organisation
ZuwG	Immigration Act – The Act to Control and Restrict Immigration and to Regulate the Residence and Integration of EU Citizens and Foreigners (Gesetz zur Steuerung und Begrenzung der Zuwanderung und zur Regelung des Aufenthalts und der Integration von Unionsbürgern und Ausländern)



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